



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

**Board of County Commissioners Meeting**

July 10, 2019  
9:30 A.M.  
Commission Chambers

Yinka Majekodunmi, CPA  
Commission Auditor  
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**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 5A  
File No. 191570**

**Researcher: LE    Reviewer: TD**

ORDINANCE RELATING TO THE JAY MALINA INTERNATIONAL TRADE CONSORTIUM OF MIAMI-DADE COUNTY ("ITC") AND THE COUNTY'S OFFICE OF ECONOMIC DEVELOPMENT AND INTERNATIONAL TRADE ("TRADE OFFICE"); AMENDING ARTICLE CII OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING THAT THE ITC SHALL BE UNDER THE PURVIEW OF THE BOARD OF COUNTY COMMISSIONERS RATHER THAN THE MAYOR; REVISING APPOINTMENT AND TERM OF ITC MEMBERS; REVISING METHOD OF SELECTION AND APPOINTMENT OF THE ITC EXECUTIVE DIRECTOR; PROVIDING THAT THE EXECUTIVE DIRECTOR REPORTS TO BOARD OF COUNTY COMMISSIONERS AND TO THE ITC; TRANSFERRING CERTAIN DUTIES AND FUNCTIONS FROM THE TRADE OFFICE TO THE ITC; REVISING DUTIES AND POWERS OF THE ITC; DIRECTING COUNTY MAYOR TO REVISE THE PROPOSED FISCAL YEAR 2019-20 BUDGET TO INCLUDE THE FUNDING, REVENUE AND POSITIONS FOR THE ITC WITHIN THE BUDGET AND TABLE OF ORGANIZATION OF THE BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR REAPPOINTMENT OF CERTAIN ITC MEMBERS; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Article CII of the Miami-Dade County Code relating to the Jay Malina International Trade Consortium (ITC) and the Office of Economic Development and International Trade (Trade Office).

**PROCEDURAL HISTORY**

**Prime Sponsor: Commission Chair Audrey Edmonson, District 3**  
**Department/Requester: None**

The item was adopted on first reading during the BCC meeting of June 18, 2019. The item is set for public hearing before the BCC on July 10, 2019.

**ANALYSIS**

The purpose of this item is to amend Article CII of the County Code to provide that ITC will be moved under the purview of the Board of County Commissioners; revise the appointment and term of ITC members; revise the selection method and appointment of the ITC Executive Director; transfer certain duties from the Trade Office to the ITC; revise duties and powers of the ITC; direct the County Mayor to revise the proposed fiscal year 2019-20 budget; and provide for reappointment of certain ITC members.

ITC is provided support by the administrative division of the Regulatory and Economic Resources department. The proposed ordinance will transfer the ITC to the Board, and recommends an additional position is required in the BCC Support Staff Division to assist with travel, procurement, and human resources activities as the volume of the work cannot be undertaken by the existing staff. A consultant is also being recommended to assist with the strategic plan development and creating the one-stop shop website, and an additional two positions to assist with other directives in the proposed ordinance. The estimated fiscal impact is \$395,000 for the first year. Over a course of five years, the impact has a five percent increase on personnel expenditures and a three percent increase on operating expenditures.

In 2018, the exports for Miami were \$61.6 billion, imports were \$49.8 billion with a surplus of \$11.8 billion. International trade plays a critical role for the County's economy trade remains a key sector. The ITC was created in

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2002 and aims to institutionalize the County's international trade and commerce related activities while representing the County's international trade interests at the local, state, and federal level.

Business development outbound missions performed in 2017 include France and various cities in Africa, and hosting Nigeria in South Florida. Inbound mission trips consist of reciprocal visits from cities the County has visited and are usually organized by foreign consulates or trade offices. Presently, there are 26 board members on the ITC.

The current ordinance states that members of the ITC are appointed by the Board, Mayor, and other economic development organizations such as the Beacon Council, and Enterprise Florida. The ITC executive director is appointed by the County Manager in consultation with the Chairperson of the Board, and Chairperson of the Commission Committee. The County Manager position is currently unfilled and the County Mayor will take appropriate action.

The following are the proposed amendments to Article CII:

- The ITC shall be an advisory board of the Board of County Commissioners and may be repealed or modified only by the Board.
- The ITC will organize incoming and outgoing trade missions.
- The ITC will promote the Miami-Dade Aviation Department's airline and air service development as well as the expansion of trade through Port Miami.
- The ITC will develop an information and resource center for international trade, monitor expenditures, disbursements, and deposits through the ITC executive director in accordance with the Board's approved budget while preparing an annual budget request to be considered as part of the annual budget process.
- Recommend contracts with agencies, corporations, and other entities within the ITC's approved budget to the Board for their approval.
- The ITC will consist of 31 members and the Chairperson of the Board will appoint the Chairperson of the ITC from among members of the Board. The Mayor will appoint three members, one of which will serve as Vice Chairperson. Each member of the Board will appoint one member, with the exception of the Chairperson of the Board. The Chairperson of the ITC will appoint a member.
- If a person is an officer, representative, administrator, or employee of any consultant, contractor, or agency contracting with or receiving funding from the ITC, they will not qualify to sit as a member.
- Section 2-11.38 will not apply to members of the ITC.
- ITC Board members will serve two-year terms and may be reappointed to three additional two-year terms, for a maximum of eight years.
- Members of the public will be given a reasonable opportunity to be heard on any proposition that is before the ITC.
- The Board, by a majority vote of the full membership, will appoint the ITC executive director. An Ad Hoc Executive Director Screening Committee will be established by the Chairperson of the Board and the Board will select the executive director from the slate presented by the Screening Committee.

**APPLICABLE LEGISLATION/POLICY**

**Article CII of the Miami-Dade County Code** refers to the Jay Malina International Trade Consortium of the County. The article details the purpose and duties of the Office of Economic Development and International Trade, outlines the duties of the advisory board and their qualifications, appointment, and tenure.

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTCIJAMAINTRCOMIDECO](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTCIJAMAINTRCOMIDECO)

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**Section 2-11.38 of the Miami-Dade County Code** provides that no person shall serve on more than two County board simultaneously unless the Commission has approved such appointment.

[https://library.municode.com/fl/miami -  
dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIBSTCRREBOGE S2-11.38MEBO](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIBSTCRREBOGE_S2-11.38MEBO)

**Section 286.0114 of the Florida Statutes** permits members of the public to have a reasonable opportunity to be heard on a proposition before a board or commission.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&  
Search\\_String=section+286.0114&URL=0200-0299/0286/Sections/0286.0114.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=section+286.0114&URL=0200-0299/0286/Sections/0286.0114.html)

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**Item No. 5B  
File No. 191756**

**Researcher: CB   Reviewer: TD**

RESOLUTION CODESIGNATING THAT PORTION OF SW 149<sup>TH</sup> AVENUE AT ITS INTERSECTION WITH SW 26<sup>TH</sup> STREET (CORAL WAY) AS “ACADEMIR WAY”

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Joe A. Martinez, District 11  
Department/Requester: N/A**

**ANALYSIS**

Pursuant to Ordinance No. 13-29, OCA completed the required background research on “AcadeMir Charter School West” noting no adverse findings. Pursuant to Ordinance No. 18-79, OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for “AcadeMir Charter School West”.

**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).

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**Item No. 5C  
File No. 191406**

**Researcher: JFP Reviewer: TD**

RESOLUTION MAKING CERTAIN FINDINGS AND APPROVING, AFTER A PUBLIC HEARING, COMMUNITY REDEVELOPMENT PLAN RELATED TO THAT CERTAIN GEOGRAPHIC AREA OF MIAMI-DADE COUNTY, FLORIDA KNOWN AS THE MIAMI GARDENS COMMUNITY REDEVELOPMENT AREA, WHICH IS DESCRIBED AS A PORTION OF MIAMI-DADE COUNTY, FLORIDA GENERALLY BOUNDED ON THE NORTH BY NW 215 STREET, ON THE WEST BY NW 47 AVENUE, ON THE SOUTH BY NW 167 STREET, AND ON THE EAST NW 17 AVENUE; AND APPROVING OF AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE INTERLOCAL COOPERATION AGREEMENT, WITH AN EFFECTIVE DATE OF MAY 31, 2019, BETWEEN MIAMI-DADE COUNTY, THE CITY OF MIAMI GARDENS, AND THE CITY OF MIAMI GARDENS COMMUNITY REDEVELOPMENT AGENCY, AND TO EXERCISE TERMINATION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Community Redevelopment Plan related to the Miami Gardens Community Redevelopment Area and authorize the Mayor's execution of the Interlocal Cooperation Agreement between the County, the City of Miami Gardens, and the City of Miami Gardens Community Redevelopment Agency.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Barbara J. Jordan, District 1  
Department/Requester: Office of Management and Budget**

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services & Economic Development Committee at its June 10, 2019 meeting. Prior to passage, the mayor of the City of Miami Gardens, Oliver Gilbert, spoke on the item and explained that it is a limited purpose CRA centered on building and operating a performing arts center to spur economic development. Mayor Gilbert further stated that this Community Redevelopment Plan has been six years in the making and the County's issues regarding Tax Increment Financing have been addressed.

**ANALYSIS**

The purpose of this item is to approve the Community Redevelopment Plan (Plan) related to the 1.63 square miles of land in District 1 known as the Miami Gardens Community Redevelopment Area (Area) described as a portion of Miami-Dade County generally bounded on the north by NW 215 Street, on the West by NW 47 Avenue, on the south by NW 167 Street, and on the east by NW 17 Avenue and authorize the Mayor's execution of the Interlocal Cooperation Agreement between the County, the City of Miami Gardens (City), and the City of Miami Gardens Community Redevelopment Agency (Agency) which delegates certain redevelopment powers to the Agency.

The problems noted below are factors of blight, which qualified the area for establishment as a Community Redevelopment Area under Florida Statutes:

- High crime rates;
- High rates of poverty and unemployment;
- Majority of structures are over 30 years old resulting in site and structure deterioration;
- High vacancy rates;
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- Narrow lot frontage along NW 27<sup>th</sup> Avenue corridor;

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- Extensive code violations; and
- Diversity of property ownership.

To address these problems, the Plan identifies the following strategies for redevelopment:

- Economic Development Strategy
  - *Catalyst Project:* The focus will be on a catalyst project on the 40-acre site owned by the City for use as an entertainment and performing arts center, redevelopment of which would incentivize other properties to redevelop and create significant investments in the Area as well as boost the Tax Increment Financing (TIF) revenue.
  - *Attraction of New Investments:* market vacant properties to recruit new businesses to the area to stimulate the local economy and hire within the area.
  - *Business Development and Recruitment:* target new businesses that fill the needs of the local market by using incentives such as the Opportunity Zone program.
- Strategies for Code Compliance
  - This CRA is not considered to have a shortage of housing and the redevelopment activities proposed for the CRA are not expected to displace any residents temporarily or permanently. Therefore, the focus will be on addressing the high incidence of code violations on existing housing through educational programming.
- Infrastructure and Neighborhood Improvement Projects
  - The Agency intends to make improvements to drainage in neighborhoods, pedestrian and bicycle mobility projects, and neighborhood enhancement projects, with initial focus on the following projects/areas:
    - The Vista Verde community, an area in the northwest quadrant of the CRA that may benefit from stormwater/drainage improvements.
    - The City's Pedestrian and Bicycle Mobility Plan identifies bicycle and pedestrian facilities in need of attention as well as locations where the residents can benefit from new facilities.
    - Properties adjacent to the Hard Rock Stadium are currently separated from the stadium grounds by a fence which is in disrepair. To allow for more privacy, the fence will be replaced with a decorative wall—payment for which will be considered by the Agency.
- Community Policing
  - Use of non-traditional policing strategies such as bicycle and foot patrols that involve the local business community with the goal of reducing crime.

Tax Increment Financing (TIF)—incremental growth of ad valorem revenues beyond an established based year—is a community redevelopment agency's primary revenue source. Countywide and municipal revenues from within the Area will be deposited into the Trust Fund and be used to fund the Plan's projects. The County will contribute countywide TIF revenues throughout the life of the Agency (30 years unless extended) even though the Area lies within the City. Based on conservative estimates and a contribution of an agreed upon 75 percent of the increment from each entity, it is projected that the 30 years of TIF revenues will total \$115,307,682 (\$46,377,674 from the County and \$68,930,008 from the City), based on annual growth rate in taxable values of four percent.

Of the 2,399 folios included in the Redevelopment Area, 1,133 folios are within the Strategic Miami Area Rapid Transit Transportation Infrastructure Improvement District (SMART TIID). The Board's approval of the Trust Fund will result in the folios becoming part of the Agency and no longer contributing to the SMART TIID. The Interlocal Agreement requires that 25 percent of the County's increment, approximately \$46.4 million over 30 years, will be returned to the County for the North Corridor.

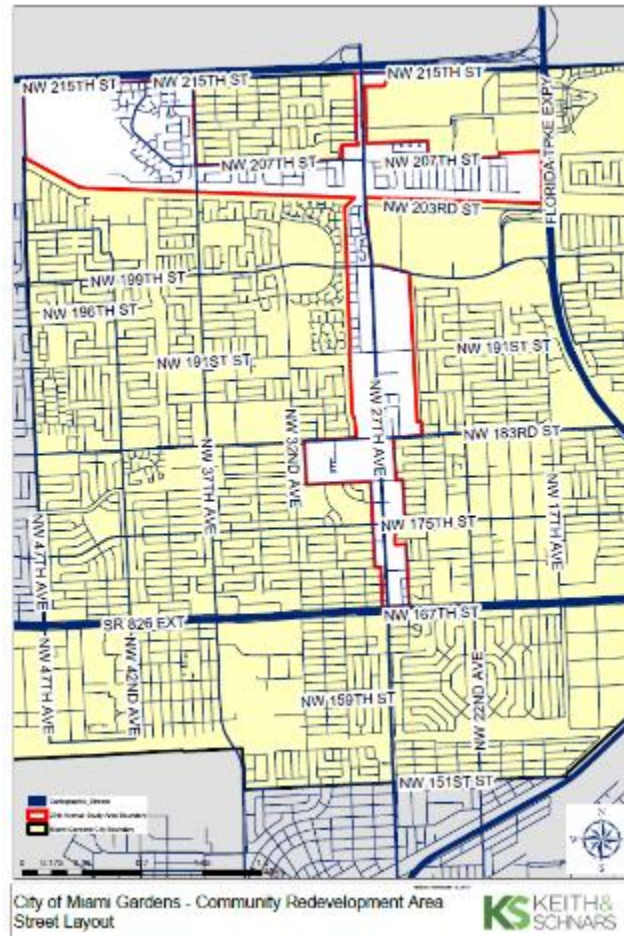


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Below is the street layout of the Miami Gardens Community Redevelopment Area, which is described as a portion of Miami-Dade County generally bounded on the north by NW 215 Street, on the West by NW 47 Avenue, on the south by NW 167 Street, and on the east by NW 17 Avenue.



**ADDITIONAL INFORMATION**

**Miami-Dade County Proposed Community Redevelopment Agencies**

<https://www8.miamidade.gov/global/management/proposed-community-redevelopment-agencies.page>

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**Researcher: JFP Reviewer: TD**

**APPLICABLE LEGISLATION/POLICY**

**Chapter 163, Part III, Florida Statutes** (The Community Redevelopment Act) governs community redevelopment programs. The Act authorizes counties and municipalities in the State of Florida to create community redevelopment agencies, to prepare redevelopment plans for certain defined areas within their boundaries designated as community redevelopment areas, within which community redevelopment projects and activities may be undertaken to eliminate and prevent the development and spread of slum and blighted areas through the use of creative financing mechanisms. [http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0163/0163PARTIIIContentsIndex.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0163/0163PARTIIIContentsIndex.html)

**Resolution No. R-210-17**, adopted March 7, 2017, approved the Finding of Necessity for the Miami Gardens Community Redevelopment Area (declaring the area to be slum or blighted), and delegated certain redevelopment powers to the City of Miami Gardens to create the Community Redevelopment Agency and prepare the Community Redevelopment Plan and the Interlocal Agreement. <http://intra/gia/matter.asp?matter=170351&file=true&yearFolder=Y2017>

**Resolution No. R-356-18**, adopted April 10, 2018, extended the deadline for the City of Miami Gardens to submit the Community Redevelopment Plan and the Interlocal Agreement to the County until November 30, 2018 <http://intra/gia/matter.asp?matter=180405&file=true&yearFolder=Y2018>

**Resolution No. R-1202-18**, adopted November 8, 2018, provided a second extension of the deadline for the City of Miami Gardens to submit the Community Redevelopment Plan and the Interlocal Agreement to the County until May 31, 2019. <http://intra/gia/matter.asp?matter=182647&file=true&yearFolder=Y2018>

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**Item No. 5E  
File No. 190033**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING AS A GOVERNMENTAL FACILITY THE PLAN FOR THE EUREKA MIAMI-DADE FIRE RESCUE DEPARTMENT AND MIAMI-DADE POLICE DEPARTMENT FACILITY TO BE GENERALLY LOCATED LYING SOUTH OF SW 184 STREET/EUREKA DRIVE AT APPROXIMATELY SW 154 AVENUE, IN COMPLIANCE WITH SECTION 33-303 OF THE CODE OF MIAMI-DADE COUNTY [SEE AGENDA ITEM 8F1]

**ISSUE/REQUESTED ACTION**

Whether the Board should approve as a governmental facility the plan for the Eureka Miami-Dade Fire Rescue Department and Miami-Dade Police Department facility to be generally located lying south of SW 184 Street/Eureka Drive at approximately SW 154 Avenue.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Daniella Levine Cava, District 8  
Department/Requester: Regulatory and Economic Resources**

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

**ANALYSIS**

This item is requesting Board approval of the plan for the Eureka Miami-Dade Fire Rescue Department (MDFR) and Miami-Dade Police Department (MDPD) facility to be generally located lying south of SW 184 Street/Eureka Drive at approximately SW 154 Avenue as a governmental facility. The proposed dual facility, to be funded through fire and police impact fees, is expected to be the first of its kind in Miami-Dade County. The next closest fire stations are located three to four miles east of the subject property and provide an average response time of 9:15 to 9:55 minutes which exceeds the 8-minute national industry performance standard for emergency response time to incidents in the area. On March 6, 2018, the Board of County Commissioner adopted Resolution No. R-234-18 to evaluate the long term policing strategy for South Miami-Dade County, make recommendations on the potential for a new police district, and to resize the South District.

The proposed facility, which will be located in Commission District 8 outside of the Urban Development Boundary (UBD), is designated as "Agriculture" on the Adopted 2020 and 2030 Land Use Plan (LUP) map of the Comprehensive Development Master Plan (CDMP). This designation would normally preclude the development of this facility per the CDMP, but the facility meets the CDMP exception of being necessary to protect the health, safety and welfare of the community. The RER Planning Division finds the proposed facility to be consistent with the CDMP based on the CDMP goals, objectives, and policies. The Site Review Committee reviewed this project on August 22, 2018 and recommends approval.

The size of the parcel is approximately 10 acres with the proposed Eureka Fire Station and Police Station Facility occupying seven acres. The fire station will be constructed first and will be built on the rear two acres. The police station will be built on the front five acres of land. The remaining three acres along the southern part of the parcel will be preserved for agricultural use through a recorded conservation easement. A Miami-Dade County agency or private party will be able to use the easement by means of a lease agreement.

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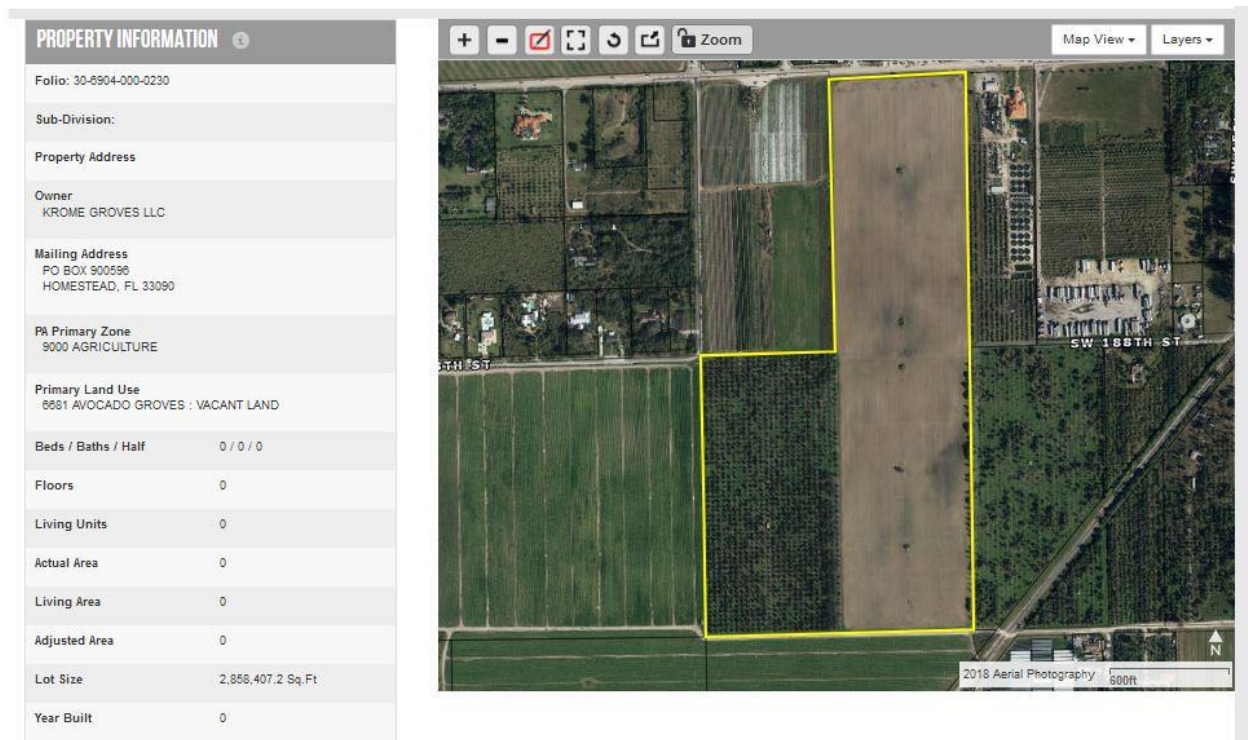
**Researcher: JFP Reviewer: TD**

The facility will consist of the following:

- A 12,000 sq. ft. fire station with
  - Parking
  - Fueling facility
  - Security fence
  - Trash disposal
  - Landscaping
- A 22,000 sq. ft. police station;
- A 199-foot tall radio communications monopole for emergency radio coverage across Miami-Dade County
- A 3,400 sq. ft. area for vehicle maintenance

The fire station is expected to be completed by the end of 2021. The start date for the construction of the police station has not yet been determined. A separate Governmental Facilities application will be filed once MDPD has a proposed site plan for the facility.

The image below is where the proposed fire station and police station facility will be constructed (Folio No. 30-6904-000-0230).



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**APPLICABLE LEGISLATION/POLICY**

**Section 33-303 of the Miami-Dade County Code** pertains to the exclusive procedure for zoning in the unincorporated areas or where the County retains zoning jurisdiction in incorporated areas with the exception for approval of governmental facilities.

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\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXXXVIZOPR\\_S33-  
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**Resolution No. R-234-18**, adopted March 6, 2018, directs the County Mayor to evaluate the long-term policing strategy for South Miami-Dade County, make recommendations regarding the potential for a new policing district and a resizing of the south district, and prepare and submit a report to the Board.

<http://intra/gia/matter.asp?matter=180209&file=true&yearFolder=Y2018>

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**Item No. 7A  
File No. 191065**

**Researcher: LE   Reviewer: TD**

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING EXCEPTION TO ZONING IMPROVEMENT PERMIT REQUIREMENT TO REPAIR CERTAIN FENCES DURING A LOCAL STATE OF EMERGENCY; MAKING TECHNICAL CHANGES; AMENDING SECTION 33-20 OF THE CODE; ALLOWING TEMPORARY USE OF RECREATIONAL VEHICLES FOR LIVING PURPOSES IN CONNECTION WITH A LOCAL STATE OF EMERGENCY UNDER CERTAIN CONDITIONS; CREATING SECTION 8B-19 OF THE CODE; PROVIDING CROSS-REFERENCES TO PROVISIONS OF THE ZONING CODE RELATING TO POST-DISASTER TEMPORARY ZONING RELIEF; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board amend Section 33-8.1 of the County Code, amend Section 33-20 of the Code, and create Section 8B-19 of the Code relating to zoning.

**PROCEDURAL HISTORY**

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

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

This item was adopted on first reading during the May 7, 2019 BCC and was set for public hearing during the ICI meeting on June 11, 2019.

During the ICI meeting, the following occurred:

- Public hearing was opened and seeing as no member of the public elected to speak, public hearing was closed.
- Chairwoman Jordan, Commissioner Levine Cava, and Commissioner Monestime announced that they would cosponsor the item.

This item forwarded to the BCC with a favorable recommendation during the ICI meeting.

**ANALYSIS**

The purpose of this item is to amend Section 33-8.1 of the County Code to provide exceptions to Zoning Improvement Permit (ZIP) requirements; amend Section 33-20 to allow temporary use of recreational vehicles for living purposes in connection with a local state of emergency under certain conditions; and to create Section 8B-19 to provide cross-references to provisions of the zoning code related to post-disaster temporary zoning relief.

This item has no fiscal impact towards the County.

The proposed ordinance allows the County to establish temporary zoning-related relief for residential property owners in the event of a major disaster in unincorporated areas in connection with declaring a Local State of Emergency. Miami-Dade County residents' homes may experience damage by natural disasters and other emergencies. In Section 33-20, the Code prohibits using RVs for living purposes. The proposed ordinance would assist residents in providing temporary use of a recreational vehicle (RV) for living purposes on properties where the main residence is considered uninhabitable by the County, and repairs can be made to non-wind resistant fences on residential properties that require a ZIP without obtaining a new ZIP. After Hurricane Andrew in 1992, similar relief efforts were desired as FEMA



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trailers were used as temporary residences on residential, single-family lots while the original residential structures were being rebuilt.

Section 33-8.1 of the Code regulates non-wind-resistant fences. The proposed changes will allow repairs of non-wind resistant fences on residential properties that require a ZIP without obtaining a new ZIP if the repair consists of less than 50 percent of the linear feet of the ZIP-approved fence. The creation of Section 8B-19 will cross-reference the proposed changes in a centralized provision related to post-disaster zoning relief.

The table below shows the original Section 33-8.1 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 33-8.1 of the County Code	Proposed changes to Section 33-8.1 of the County Code
<b>Sec. 33-8.1. – Zoning Improvement Permit (ZIP).</b>	<b>Sec. 33-8.1. – Zoning Improvement Permit (ZIP).</b>
Certain buildings, structures, improvements and installations are exempted by the Florida Building Code from building permit issuance, but must otherwise comply with the minimum requirements of this chapter. Therefore, such buildings, structures, improvements and installations shall be subject to review under the Zoning Improvement Permit (ZIP) standards contained in this section, as well as the regulations of the underlying zoning district.	>>(a)<< Certain buildings, structures, improvements and installations are exempted by the Florida Building Code from building permit issuance, but must otherwise comply with the minimum requirements of this chapter. Therefore, such buildings, structures, improvements and installations shall be subject to review under the Zoning Improvement Permit (ZIP) standards contained in this section, as well as the regulations of the underlying zoning district.
The following buildings, structures, improvements and installations shall require a ZIP from the Department of Planning and Zoning:	>>(b)<< The following buildings, structures, improvements and installations shall require a ZIP from the Department of Planning and Zoning:
Above ground pools that contain water over 24 inches deep;	>>(1)<< Above ground pools that contain water over 24 inches deep;
Agricultural/farm buildings and non-habitable structures on bona fide farms;	>>(2)<< Agricultural/farm buildings and non-habitable structures on bona fide farms;
Canopy carports, canopy and other fabric covered framework installed on residential properties;	>>(3)<< Canopy carports, canopy and other fabric covered framework installed on residential properties;
Chickee huts constructed by Miccosukee or Seminole Indians;	>>(4)<< Chickee huts constructed by Miccosukee or Seminole Indians;
Chain link fences, picket fences, ornamental iron fences and other fences installed on residential property that are deemed non-wind resistant; provided, however, any pool safety barrier fence and any fence with concrete columns	>>(5)<< Chain link fences, picket fences, ornamental iron fences and other fences installed on residential property that are deemed non-wind resistant; provided, however, any pool safety barrier fence and

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<p>shall require a building permit; Decorative reflective pools and fishponds that contain water less than 24 inches deep, that contain less than 250 square feet in area, and contain less than 2,250 gallons in volume;</p> <p>Decorative garden-type water fountains;</p> <p>Parking lot refurbishing - resurfacing, re-striping or seal coating, and paving and drainage of existing parking lots;</p> <p>Signs - balloon type;</p> <p>Signs - painted wall type;</p> <p>Signs - stick on letter type.</p> <p>The director of the Department shall have the authority to require ZIP review for other buildings, structures, improvements and installations that are newly created or come about by changes in the state or local building codes.</p> <p>In the event any portion of the subject property is contiguous to or across the street from a municipal boundary, applicant shall submit a boundary survey performed in accordance with Chapter 61G17-6.0031, Florida Administration Code.</p> <p>The submittal of plans shall be necessary to fully advise and acquaint the issuing Department with the location and use of the buildings, structures, improvements and installations, and such plans must accompany the application for a ZIP. The respective Directors of the Department of Public Works, Department of Environmental Resources Management, Miami-Dade County Fire Rescue Department and Department of Planning &amp; Zoning shall review the submitted plans only to the extent of their respective jurisdiction under the Code of Miami-Dade County In the event there is a question as to the legality of a use, the Director may require affidavits and such other information as may be deemed appropriate or necessary to establish the legality of the use, before a ZIP permit is issued.</p>	<p>any fence with concrete columns shall require a building permit;</p> <p>&gt;&gt;(6)&lt;&lt; Decorative reflective pools and fishponds that contain water less than 24 inches deep, that contain less than 250 square feet in area, and contain less than 2,250 gallons in volume;</p> <p>&gt;&gt;(7)&lt;&lt; Decorative garden-type water fountains;</p> <p>&gt;&gt;(8)&lt;&lt; Parking lot refurbishing - resurfacing, re-striping or seal coating, and paving and drainage of existing parking lots;</p> <p>&gt;&gt;(9)&lt;&lt; Signs - balloon type;</p> <p>&gt;&gt;(10)&lt;&lt; Signs - painted wall type;</p> <p>&gt;&gt;(11)&lt;&lt; Signs - stick on letter type.</p> <p>&gt;&gt;(c)&lt;&lt; The director of the Department shall have the authority to require ZIP review for other buildings, structures, improvements and installations that are newly created or come about by changes in the state or local building codes.</p> <p>&gt;&gt;(d)&lt;&lt; In the event any portion of the subject property is contiguous to or across the street from a municipal boundary, applicant shall submit a boundary survey performed in accordance with Chapter 61G17-6.0031, Florida <del>[[Administration]]</del></p> <p>&gt;&gt;Administrative&lt;&lt; Code.</p> <p>&gt;&gt;(e)&lt;&lt; The submittal of plans shall be necessary to fully advise and acquaint the issuing Department with the location and use of the buildings, structures, improvements and installations, and such plans must accompany the application for a ZIP. The respective Directors of the Department of Public Works, Department of Environmental Resources Management, Miami-Dade County Fire Rescue Department and Department of Planning &amp; Zoning shall review the submitted plans only to the extent of their respective jurisdiction under the Code of Miami-Dade County &gt;&gt;.&lt;&lt; In the event there is a question as to the legality of a use, the Director may require</p>
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	<p>affidavits and such other information as may be deemed appropriate or necessary to establish the legality of the use, before a ZIP permit is issued.</p> <p>&gt;&gt;(f) <u>Notwithstanding any other limitations imposed by the Code, a ZIP shall not be required to repair a ZIP-approved fence, provided that all of the following conditions are satisfied:</u></p> <p>(1) <u>A Local State of Emergency declared in accordance with section 8B-6(1) of the Code remains in effect and the disaster for which the Local State of Emergency was declared has ceased;</u></p> <p>(2) <u>The repaired portion of the fence covers less than 50 percent of the linear feet of the ZIP-approved fence;</u></p> <p>(3) <u>The repaired fence is in the same location as the ZIP-approved fence, is the same height as the ZIP-approved fence, and is made of the same material as the ZIP-approved fence; and</u></p> <p>(4) <u>The repaired fence complies with section 33-35 of the Code (Nonconforming Lots, Uses and Structures), if applicable. &lt;&lt;</u></p>
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The table below shows the original Section 33-20 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

<b>Section 33-20 of the County Code</b>	<b>Proposed changes to Section 33-20 of the County Code</b>
<b>Sec. 33-20. – Accessory buildings; utility sheds; swimming pools; fallout shelters; boat storage; decorative elements.</b>	<p><b>Sec. 33-20. – Accessory buildings; utility sheds; swimming pools; fallout shelters; boat storage; decorative elements.</b></p> <p align="center">* * *</p> <p>&gt;&gt;(m) <u>Notwithstanding any other limitations imposed by the Code, the temporary use of an RV for living purposes is allowed provided that all of the following conditions are satisfied:</u></p>

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(1) A Local State of Emergency has been declared in accordance with section 8B-6(1) of the Code and the disaster for which the Local State of Emergency was declared has ceased;

(2) The RV is placed on a property where the principal residence (including a mobile home) has been deemed by County staff as uninhabitable as a result of the disaster for which the Local State of Emergency was declared;

(3) The RV is not parked or stored, and does not encroach, on any right-of-way;

(4) The RV is fully licensed and ready for highway use; and

(5) A Temporary Certificate of Use (TCU) has been obtained prior to using the RV for living purposes. Any TCU shall be valid for 120 days. The Department may reissue a TCU for an additional 120 days if there is evidence that there is progress with the repairs to the principal residence. Notwithstanding sub-section (1) of this sub-section (m), a valid TCU issued under this sub-section (m) shall be valid even if the Local State of Emergency that triggered the applicability of this section is no longer in effect.<<

The table below shows the creation of Section 8B-19 of the Code of Miami-Dade County. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

**Creation of Section 33-20 of the County Code**

**Sec. 8B-19. – Post-Disaster Temporary Zoning Relief.**

>>For post-disaster temporary zoning relief in unincorporated Miami-Dade County in connection with a Local State of Emergency, see Code, sections 33-8.1 (repairing fences), 33-20 (use of RVs for living purposes), 33-247 (outdoor sales at home improvement centers), and 33-259 (outdoor sales at home improvement warehouses).<<

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**APPLICABLE LEGISLATION/POLICY**

**Section 33-8.1 of the Miami-Dade County Code** relates to the Zoning Improvement Permit (ZIP) which requires certain buildings, structures, improvements, and installations to have ZIP from the Department of Planning and Zoning.

[https://library.municode.com/fl/miami -  
dade county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTIINGE\\_S33-8.1ZOIMPEZI](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-8.1ZOIMPEZI)

**Section 33-20 of the Miami-Dade County Code** refers to regulations regarding accessory buildings, utility sheds, swimming pools, fallout shelters, boat storage, and decorative elements.

[https://library.municode.com/fl/miami -  
dade county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTIINGE\\_S33-  
20ACBUUTSHSWPOFASHBOSTDEEL](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-20ACBUUTSHSWPOFASHBOSTDEEL)

**Section 39-260 of the Broward County Code** states that recreational vehicles shall not be used for living purposes.

[https://library.municode.com/fl/broward-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR  
\\_CH39ZO\\_ARTXVRUESDI\\_S39-260GEPR](https://library.municode.com/fl/broward-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH39ZO_ARTXVRUESDI_S39-260GEPR)

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**Item No. 8A3  
File No. 191323**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND ROSS & BARUZZINI, INC.; FOR GENERAL SPECIAL SYSTEMS ENGINEERING SERVICES, PROJECT NO. E16-MDAD-08 IN AN AMOUNT NOT TO EXCEED \$2,205,500.00 FOR A TERM OF FIVE YEARS PURSUANT TO SECTION 2-10.4 OF THE CODE OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Professional Services Agreement (PSA) between the County and Ross & Baruzzini, Inc. for general special systems engineering services for the Aviation Department in an amount not to exceed \$2,205,500 for a term of five years.

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Aviation Department**

The item was considered at the June 12, 2019 meeting of the Tourism and Ports Committee wherein it was forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of the PSA with Ross & Baruzzini is for the Aviation Department to acquire architectural and engineering professional services for renovations and improvements to the special systems at Miami International Airport (MIA), including low voltage data, communications and security. Moreover, the scope of work encompasses site investigations, special systems planning, engineering studies, conceptual, preliminary and final design services and construction management during implementation. The contract value is \$2,205,500 for a five-year term. Note that this is one of two identical award recommendations for the provision of the same services. The other award, which is also on the Board agenda, is to Burns & McDonnell Engineering Company, Inc.

It is anticipated that the projects to be completed under this PSA shall be at MIA terminal buildings and facilities. Individual projects shall be administered via task assignments in accord with the PSA. Furthermore, the services under this PSA shall be delivered in the following phases:

- Phases 1A and 1B – Program Verification and Preparation of Schematic Design Documents;
- Phase 2 – Design Development;
- Phases 3A, 3B and 3C – Development and Completion Contract Documents;
- Phase 3D – Bid Documents;
- Phase 4 – Bidding and Award of Contract; and
- Phase 5 – Work Related Services.

The total contract amount for the five-year term is \$2,205,500, which consist of a base estimate of \$2,000,000, a contingency allowance of \$200,000 and \$5,500 in Inspector General fees. As seen in the mayoral memorandum, the Fiscal Year (FY) 2018-19 Proposed Budget and Multi-Year Capital Plan applicable Project #s are 2000000790 and 2000000094. The proposed budget and multi-year capital plan describes Project # 2000000790 (MIA Support

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**Researcher: PGE   Reviewer: TD**

Projects) as to *install pre-conditioned air equipment in Concourse G; install foreign object detection system; install parking guidance system at MIAs parking garages; install a smoke evacuation system in the south terminal; and design and install central terminal closed circuit TV system.* The funding sources are Aviation Revenue Bonds, Double-Barreled GO Bonds and FDOT. Total expenditures show \$12,644,000.

The FY 2018-19 plan describes Project # 2000000094 (MIA Concourse E Rehabilitation) as to *renovate MIAs Concourse E to include interior, exterior and code requirement upgrades; passenger loading bridge upgrades; replace automated people mover; provide apron pavement rehabilitation of Concourse E Satellite and Lower Concourse E; and implement automated processing for inbound international passengers working in conjunction with the Department of Homeland Security utilizing the latest technology and modified Transportation Security Administration approved processes.* The funding sources are FDOT funds and future financing. Total expenditures show \$28,947,000.

The solicitation for this project was advertised on February 24, 2017. Four proposals were received on January 24, 2018. The respondents were Ross & Baruzzini, WSP USA, Inc., Burns & McDonnell Engineering Company, Inc. and TLC Engineering for Architecture, Inc. Following the competitive selection process, Ross & Baruzzini was ranked first.

According to a July 5, 2019 search on sunbiz.org, the official State of Florida Division of Corporations website, Ross & Baruzzini is a foreign for-profit corporation with a principal address of 6 South Old Orchard, St. Louis, Missouri. The company holds an Architect Business and Certificate of Authorization license types per information found on July 5, 2019 on the website of the Florida Department of Business & Professional Regulation. The mayoral memorandum indicates that it is preferred for the selected firm to have a licensed professional engineer with a minimum of 10 years of special systems consulting services experience and that senior staff hold Registered Communications Distribution Designer or Physical Security Professional industry certifications.

The PSA includes a 25 percent (\$550,000) SBE-A/E goal and a 2 percent (\$44,000) SBE-G/S goal. The SBE-A/E subconsultant is Gurri Matute, P.A. and the SBE-G/S goal subcontractor is Certified Network Professionals, Inc.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System on July 5, 2019, finding that Ross & Baruzzini has an evaluation count of 6 with an average evaluation rating of 3.4 out of a possible 4.0.

**APPLICABLE LEGISLATION/POLICY**

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

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0287/0287.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/0287.html)

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

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

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

[https://library.municode.com/fl/miami -  
dade county/codes/code of ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-  
10.4.01SMBUENARENPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

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

[https://library.municode.com/fl/miami -  
dade county/codes/code of ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

[https://library.municode.com/fl/miami -  
dade county/codes/code of ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.3MARE)

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

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

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

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

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

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

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

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

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

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

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**Item No. 8A3**  
**File No. 191323**

**Researcher: PGE   Reviewer: TD**

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

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

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

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

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**Item No. 8A4  
File No. 191327**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND BURNS AND MCDONNELL ENGINEERING COMPANY, INC. FOR GENERAL SPECIAL SYSTEMS ENGINEERING SERVICES, PROJECT NO. E16-MDAD-08 IN AN AMOUNT NOT TO EXCEED \$2,205,500.00 FOR A TERM OF FIVE YEARS PURSUANT TO SECTION 2-10.4 OF THE CODE OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Professional Services Agreement (PSA) between the County and Burns & McDonnell Engineering Company, Inc. for general special systems engineering services for the Aviation Department in an amount not to exceed \$2,205,500 for a term of five years.

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Aviation Department**

The item was considered at the June 12, 2019 meeting of the Tourism and Ports Committee wherein it was forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of the PSA with Burns & McDonnell Engineering Company is for the Aviation Department to acquire architectural and engineering professional services for renovations and improvements to the special systems at Miami International Airport (MIA), including low voltage data, communications and security. Moreover, the scope of work encompasses site investigations, special systems planning, engineering studies, conceptual, preliminary and final design services and construction management during implementation. The contract value is \$2,205,500 for a five-year term. Note that this is one of two identical award recommendations for the provision of the same services. The other award, which is also on the Board agenda, is to Ross & Baruzzini, Inc.

It is anticipated that the projects to be completed under this PSA shall be at MIA terminal buildings and facilities. Individual projects shall be administered via task assignments in accord with the PSA. Furthermore, the services under this PSA shall be delivered in the following phases:

- Phases 1A and 1B – Program Verification and Preparation of Schematic Design Documents;
- Phase 2 – Design Development;
- Phases 3A, 3B and 3C – Development and Completion Contract Documents;
- Phase 3D – Bid Documents;
- Phase 4 – Bidding and Award of Contract; and
- Phase 5 – Work Related Services.

The total contract amount for the five-year term is \$2,205,500, which consist of a base estimate of \$2,000,000, a contingency allowance of \$200,000 and \$5,500 in Inspector General fees. As seen in the mayoral memorandum, the Fiscal Year (FY) 2018-19 Proposed Budget and Multi-Year Capital Plan applicable Project #s are 2000000790 and 2000000094. The proposed budget and multi-year capital plan describes Project # 2000000790 (MIA Support



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**Researcher: PGE   Reviewer: TD**

Projects) as to *install pre-conditioned air equipment in Concourse G; install foreign object detection system; install parking guidance system at MIAs parking garages; install a smoke evacuation system in the south terminal; and design and install central terminal closed circuit TV system.* The funding sources are Aviation Revenue Bonds, Double-Barreled GO Bonds and FDOT. Total expenditures show \$12,644,000.

The FY 2018-19 plan describes Project # 2000000094 (MIA Concourse E Rehabilitation) as to *renovate MIAs Concourse E to include interior, exterior and code requirement upgrades; passenger loading bridge upgrades; replace automated people mover; provide apron pavement rehabilitation of Concourse E Satellite and Lower Concourse E; and implement automated processing for inbound international passengers working in conjunction with the Department of Homeland Security utilizing the latest technology and modified Transportation Security Administration approved processes.* The funding sources are FDOT funds and future financing. Total expenditures show \$28,947,000.

The solicitation for this project was advertised on February 24, 2017. Four proposals were received on January 24, 2018. The respondents were Ross & Baruzzini, WSP USA, Inc., Burns & McDonnell Engineering Company, Inc. and TLC Engineering for Architecture, Inc. Following the competitive selection process, Ross & Baruzzini was ranked first. Burns & McDonnell Engineering was ranked 3. The second-ranked firm declined negotiations and waived its right to award of the PSA.

According to a July 5, 2019 search on sunbiz.org, the official State of Florida Division of Corporations website, Burns & McDonnell Engineering is a foreign for-profit corporation with a principal address of 9400 Ward Parkway, Kansas City, Missouri. The company holds a Certified General Contractor license per information found on July 5, 2019 on the website of the Florida Department of Business & Professional Regulation. The mayoral memorandum indicates that it is preferred for the selected firm to have a licensed professional engineer with a minimum of 10 years of special systems consulting services experience and that senior staff hold Registered Communications Distribution Designer or Physical Security Professional industry certifications.

The PSA includes a 25 percent (\$550,000) SBE-A/E goal and a 2 percent (\$44,000) SBE-G/S goal. The SBE-A/E subconsultants are SDM Consulting Engineers, Inc. (10 percent); Louis J. Aguirre & Associates, P.A. (10 percent); and Gurri Matute, P.A. (5 percent). Go Green Document Solutions, Inc. is the SBE-G/S goal subcontractor.

Pursuant to Resolution No. R-421-16, a performance record verification was conducted in the Capital Improvements Information System on July 5, 2019, finding that Burns & McDonnell has an evaluation count of 10 with an average evaluation rating of 3.7 out of a possible 4.0.

**ADDITIONAL INFORMATION**

Reversing and remanding a case, on March 22, 2016, the Missouri Court of Appeals held that Burns & McDonnell Engineering Company, Inc. wrongfully discharged an employee for whistleblowing about unsafe engineering practices as well as the unauthorized practice of engineering on a boiler project. See *James Van Kirk v. Burns & McDonnell Engineering Company, Inc.*, Missouri Court of Appeals, 484 S.W.3d 840.

**APPLICABLE LEGISLATION/POLICY**

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

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[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0287/0287.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/0287.html)

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4.01SMBUENARENPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

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

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

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

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

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

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

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

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

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

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8A4**  
**File No. 191327**

**Researcher: PGE   Reviewer: TD**

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

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

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

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

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

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

**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: July 10, 2019  
Research Notes**

**Item No. 8A5  
File No. 191443**

**Researcher: MF Reviewer: PGE**

RESOLUTION REJECTING ALL PROPOSALS RECEIVED IN CONNECTION WITH ISD PROJECT NO. A16-MDAD-02 TERMINAL OPTIMIZATION PROGRAM PROJECT SUPPORT SERVICES FOR THE MIAMI-DADE AVIATION DEPARTMENT.

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize rejecting all proposals received regarding ISD Project No. A16-MDAD-02, Terminal Optimization Program, for support services for the Aviation Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Aviation Department**

At the July 18, 2018 Economic Development and Tourism Committee, the rejection of all proposals was brought forth concerning whether or not this solicitation covered the scope of the Terminal Optimization Program scope. The Department Director, advised that the current solicitation did not have a proposal/scope encompassing the entire capital improvement direction that MDAD was intending to pursue.

This item was brought before the Tourism and the Ports Committee held on June 12, 2019 and was forwarded to the BCC with a favorable recommendation. Prior to the passage of this item, the following exchange transpired:

- Commission Barbara J. Jordan inquired whether the item rejects a previous award.
- Director of Aviation Lester Sola replied, explaining that there was a previous recommendation to award that is being rejected because it had not fully captured the capital improvement plan's scope; there is a companion item on the agenda recommending approval of a solicitation to capture the full scope of the Aviation Department's capital improvement program.
- Commissioner Jordan asked the County Attorney about whether the County has any exposure.
- The attorney stated that until the Board awards a contract, there is no contract and thus no exposure.

**ANALYSIS**

The purpose of this item is to reject all proposals received pertaining ISD Project No. A16-MDAD-02, Terminal Optimization Program Project Support Services. The solicitation sought to implement a scope of work that was narrow and limited and did not address all of MIA's capacity and operational needs or those of the general aviation airports.– The solicitation (Notice to Professional Consultants) of proposals was issued under full and open competition on June 30, 2016. Three responses were received to Notice to Professional Consultants: AECOM Technical Services, Inc., Heery International Inc., and Burns & McDonnell Engineering Company, Inc. A DBE of 25 percent applied to the solicitation. Approval of this item will allow the Aviation Department, through companion Agenda Item No. 8A6, to move forward with a competitive solicitation process.

The Aviation Department recommends all proposals be rejected, as MDAD reviewed the airport system's capital improvement needs to include the airport's entire footprint and a new solicitation is needed.

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**Research Notes**

**Item No. 8A5**  
**File No. 191443**

**Researcher: MF Reviewer: PGE**

There is no fiscal impact to the County for this item. However, the services being rejected in the current item are part of solicited services in another item File No. 191731, which is before the board today. (Agenda Item No. 8A6), which seeks approval of a Request To Advertise (RTA) to initiate a new procurement process with replacement solicitation ISD Project No. A18-MDAD-01. The fiscal impact on ISD Project No. A18-MDAD-01 is \$71,678,750 total for five years with two five-year renewal options. The solicitation seeks two specialized firms each receiving a total of \$35,839,375, to implement MDAD's CIP and provide services on an as-needed basis.

**DEPARTMENTAL INPUT:**

The following question was asked to the department on June 11, 2019:

It has been almost a year since this item traveled before the EDTC committee, why has it taken nearly a year to develop the scope of services for ISD Project No. A18-MDAD-01? **The scope of work included in the Terminal Optimization Program (TOP) was limited and did not address the long-term needs of the County's complete aviation system. When Lester Sola was appointed Director, he initiated a complete and wide ranging assessment of the County's entire aviation system needs to include passenger operations, cargo and general aviation. Since that process was very thorough and wide ranging it has taken some time. The new capital improvement program addressing all the County aviation system needs was released in May so we are ready to proceed with the rejection of the original TOP solicitation and move forward with the new solicitation.**

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the Code of Miami-Dade County** (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

**Resolution No. R-716-12**, adopted by the Board on September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

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

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

**Resolution No. R-140-15**, adopted by the Board on February 3, 2015, authorizes replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the county.

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

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

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

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**File No. 191443**

**Researcher: MF Reviewer: PGE**

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

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

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Research Notes**

**Item No. 8A6**

**File No. 191731 (191425)**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING A REQUEST TO ADVERTISE THE CAPITAL IMPROVEMENT PROGRAM SPECIALIZED SERVICES PROJECT, ISD PROJECT NO. A18-MDAD-01

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a Request to Advertise the Capital Improvement Program Specialized Services Project in conjunction with the action of rejecting all proposals received for a project of a narrower scope (see companion TAPS agenda item 3E, File No. 191443) to ultimately retain two specialized services firms to implement the Miami Dade Aviation Department's (MDAD) all-inclusive Capital Improvement Program (CIP) with a compensation amount up to \$35,839,375 for each selected firm for the initial contract term of five years and two five-year renewal options.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Aviation Department**

This item was amended to correct a clerical error and forwarded to the BCC, as amended, with a favorable recommendation by the Tourism and the Ports Committee at its June 12, 2019 meeting. Prior to passage, the following discussion transpired:

- Commissioner Moss expressed concerns on behalf of the SBEs that would be subconsultants and therefore not guaranteed work in the CIP, yet would be precluded from working on other MIA contracts.
- Aviation Director, Lester Sola, stated that this item achieves the following:
  - 1) It replaces the item regarding the rejection of the three proposals received for a project of a more limited scope because MDAD is looking at a larger CIP than originally envisioned and in doing so splits the work, creating more work for more teams of firms.
  - 2) MDAD is procuring specialized services for this CIP. MDAD is hiring additional staff to do some in house monitoring and design, and is only seeking procurement for specialized services.
  - 3) MDAD is allowing subconsultants to also do subconsultant work throughout MIA. Those subconsultants can also be prime consultants for projects that are not overseen by their team, thus opening more opportunities for these subconsultants while mitigating conflicts.
- Commissioner Jordan expressed concern regarding diversity in the equity aspect and asked the County Attorney if language can be added to the RFP that requires diverse teams.
- The County Attorney responded that the scoring criteria is outlined in a separate Implementing Order and changes would have to be brought forth as a separate item.
- Commissioners Sosa and Moss echoed Commissioner Jordan's concerns regarding the lack of diverse teams and the need to provide opportunities to locals.
- Commissioner Bovo underscored the importance of diversity and stated that subconsultant work is a way to provide such an opportunity, and sought clarification from Director Sola as to the ability of subconsultants to work as prime consultants.
- Director Sola clarified that the language included provides greater opportunities for these subconsultants to obtain work, not less.

On July 18, 2018, the Economic Development and Tourism Committee deferred the rejection of three proposals received in response to ISD Project No. A16-MDAD-02, *Terminal Optimization Program – Project Support Services*,



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**Researcher: JFP Reviewer: TD**

a project that the department later determined was narrow and limited as it did not address all the capacity and operational needs of Miami International Airport (MIA) nor those of the general aviation airports. The rejection of the three proposals received for the project is on the July 10, 2019 BCC agenda as item 8A5 (File No. 191443), the approval of which will allow MDAD to move forward with the competitive solicitation that is the subject of this proposed resolution.

**ANALYSIS**

The purpose of this item is to replace ISD Project No. A16-MDAD-02 and its solicitation thereof with ISD Project No. A18-MDAD-01, allowing a Request to Advertise (RTA) for consultant selection regarding MDAD's Capital Improvement Program (CIP) Specialized Services Project, one of broader scope and that is more inclusive than the previous project. The goal of the RTA is to retain two specialized Architectural/Engineering (A/E) firms to implement the CIP, providing services only when requested by MDAD staff, at a compensation amount of up to \$35,839,375 per firm for the initial contract term of five years and two five-year options without Board approval. This item is being brought before the Board for approval even though Section 2-8.1 of the County Code delegates authority to the Mayor to advertise bids for all County contracts due to the significance and countywide impact of the CIP.

The current CIP includes a series of capital projects from the former Terminal Optimization Program (TOP), but takes a comprehensive approach by including long-term plans to address all capacity and operational needs. The CIP has five sub-programs as detailed below for capital projects at MIA.

- North Terminal Program
  - Gate Optimization Project
  - D60 Redevelopment
- Central Terminal Program
  - Central Terminal Redevelopment
  - Concourse F Modernization
  - Concourse G Demolition and Apron
- South Terminal Program
  - South Terminal Expansion
  - Apron Expansion
- Cargo Program
  - Taxiway R, Fuel Tender, and Ramp Expansion
  - Building 702 Expansion and Apron
  - Fumigation Facility
- Miscellaneous Program
  - Roadway and Bridge Improvements
  - Bus Maintenance Facility
  - North Terminal Ground Service Equipment (GSE)
  - South Terminal GSE and Auto Fueling Station
  - Park 6 Garage
  - New On-Airport Hotels



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**Researcher: JFP Reviewer: TD**

The cost of the capital budget projects is outlined as follows:

Capital Budget Project Description	Amount
MIA Central Base Apron and Utilities	\$7,395,047
MIA Concourse E Rehabilitation	\$16,449,187
MIA Airport South Terminal Improvements	\$16,011,512
MIA Miscellaneous Projects	\$16,823,004
Reserve Maintenance Projects	\$7,500,000
Operating Fund	\$7,500,000
<b>TOTAL:</b>	<b>\$71,678,750</b>

The conflict of interest policy as outlined in the Notice to Professional Consultants precludes those selected prime firms and chosen subconsultants from being part of a team recommended for award on any future CIP project at any MDAD facility during the term of any professional agreement awarded for this CIP Specialized Services Project. The prime consultants are preferred to have a minimum of 10 years of experience in project management at large hub U.S. airports. The expertise must be met by a qualified individual or individuals of the prime and/or sub-consultant firms as applicable. The prime consultants will be held responsible for the coordination of all work and must hold technical certification in the following categories: 4.01 - Aviation Systems - Engineering Design, 4.02 - Aviation Systems - Architectural Design, 14.00 - Architecture, 17.00 - Engineering Construction Management, and 18.00 - Architectural Construction Management. The solicitation has the contract measure of a 25% Disadvantaged Business Enterprise (DBE) goal for each of the two agreements.

**APPLICABLE LEGISLATION/POLICY**

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

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0287/0287.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/0287.html)

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

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

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-10.4.01SMBUENARENPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

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**Item No. 8A6**

**File No. 191731 (191425)**

**Researcher: JFP Reviewer: TD**

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

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

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

[https://library.municode.com/fl/miami -  
dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

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

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

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

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

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

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8B1  
File No. 191389**

**Researcher: LE    Reviewer: TD**

RESOLUTION AUTHORIZING AFFILIATING AGREEMENTS WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS FOR THE PROVISION OF EDUCATIONAL CLASSES FOR JUVENILES AND SPECIAL EDUCATIONAL CLASSES FOR YOUNG ADULTS IN THE CUSTODY OF THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE AGREEMENTS, INCLUDING ANY CANCELLATION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve affiliating agreements with Miami-Dade County Public Schools (MDCPS) to provide educational classes for juveniles and special educational classes for young adults in custody of the Miami-Dade Corrections and Rehabilitation Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: Joe Martinez, District  
Department/Requester: Corrections & Rehabilitation**

During the PSR meeting on June 11, 2019, the item was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to approve affiliating agreements (Agreements) between the County and Miami-Dade County Public Schools (MDCPS) to provide educational services for juvenile inmates in grades 6 through 12 that are under the age of 18, who are incarcerated at the Turner Guilford Knight Correctional Center, and special education to young adults between ages 18-22 incarcerated at the Metro West Detention Center.

The Miami-Dade Department of Corrections and Rehabilitation provides residential incarceration to juveniles and young adults in grades 6-12 who are in detention and awaiting final disposition of criminal cases at the Turner Guilford Knight Detention Center.

The educational programs provided through the Agreements has no negative fiscal impact to the County. MDCPS will be reimbursed by the State of Florida according to full-time equivalency the county based on the number of full-time students enrolled per course.

Since 1983, MDCPS has provided educational courses for juvenile and young adult inmates with special needs incarcerated in County jail facilities. Pursuant to Section 1003.52 of the Florida Statutes, MDCPS must offer educational services to juveniles who have not graduated from high school and to eligible students with disabilities. The educational services will be provided based on the student's estimated time in the facility and their current level of functioning.

As per the terms of the agreement, MDCPS Educational Alternative Outreach Program will provide the following:

- An educational program designed for students in grade 6-12 and for those who are special education students between the ages of 18-22.
- Administrator(s) to monitor compliance of the educational program and assist instructional and support personnel

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**Researcher: LE    Reviewer: TD**

- Certified teachers that are consistent with the School Board's established teacher-student ratio for alternative education
- Instructional materials and equipment
- Personnel responsible for entering student attendance in the electronic gradebook and maintenance of educational records
- An initial development of a Progress Monitoring Plan (PMP) for general education students, a Limited English Proficient (LEP) Plan for English Language Learners (ELL), and an Individualized Education Plan (IEP) for special needs students, and an Educational Plan (EP) for gifted students.
- Personnel for the administration of State and District mandated assessments.

As per the terms of the agreement, the respective detention facility will provide the following:

- Staff member liaison responsible for the administration and implementation of the agreement.
- Personnel to coordinate efforts with the School Board to provide assistance in preparing and planning student movement in and between programs, and written notice of a student's discharge.
- Security staff present at the facility at all times.
- Classrooms with a minimum of 25 usable square feet per pupil, furniture, storage, space for staffing, meetings and teacher planning.
- Custodial services.
- Written assurance of full compliance with Section 1000.05 of the Florida Statutes.
- General drug screening for all applicants for non-instructional positions.

The affiliating agreement will be for a three-year term effective July 1, 2019 to June 30, 2022.

**ADDITIONAL INFORMATION**

The Educational Alternative Outreach Program serves thousands of students annually with a standard core academic program with emphasis on improving student attendance, achievement, graduation rates, and basic skills. The centers in the Outreach Program are composed of the Department of Juvenile Justice residential and day treatment centers, correctional detentions centers, drug/alcohol rehabilitation centers, shelters, specialized centers, and other alternative educational opportunities.

<https://deoamdcps.org/educational-alternative-outreach-program/>

**DEPARTMENTAL INPUT**

OCA sent out the following questions on June 10, 2018 and received the following responses:

- **Approximately how many students will be enrolled in the educational program at each detention facility?**

*It is difficult to estimate the number of juveniles who will enroll in any given year. However, enrollment for school year 2017/ 2018 was 122 and 73 for 2018/2019.*

- **For the past 10 years how many juvenile and young adult inmates used the educational services?**

*This is a program provided by Miami Dade County Public Schools to inmates as required by Florida Statute. Enrollment information was not previously collected by MDCPS.*

- **How much funding reimbursement has MDCPS received from the state?**

*Reimbursement is provided by the State of Florida as required by law and is done directly through MDCPS. There is no cost to Miami-Dade County. MDCR does not have this information.*

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File No. 191389**

**Researcher: LE    Reviewer: TD**

- **How many students have successfully received a diploma/GED/other certification from the educational program?**

*Information is not currently captured by MDCR.*

**APPLICABLE LEGISLATION/POLICY**

**Section 1003.52 of the Florida Statutes** states that the Department of Education and Department of Juvenile Justice will train, collaborate, and coordinate with district school boards and related boards and providers to implement educational programming for juvenile and young adult inmates who have been incarcerated.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=juvenile%20educational%20services&URL=1000-1099/1003/Sections/1003.53.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=juvenile%20educational%20services&URL=1000-1099/1003/Sections/1003.53.html)

**Section 1000.05 of the Florida Statutes** prohibits discrimination against students and employees in K-12 public education system.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=1000.05&URL=1000-1099/1000/Sections/1000.05.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=1000.05&URL=1000-1099/1000/Sections/1000.05.html)

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**Item No. 8F1  
File No. 182785**

**Researcher: MF Reviewer: PGE**

RESOLUTION APPROVING, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, A CONTRACT FOR SALE AND PURCHASE BETWEEN KROME GROVES, LLC AND PHOEBE VONP KROME FAMILY LIMITED PARTNERSHIP, AS SELLERS, AND MIAMI-DADE COUNTY, AS BUYER, FOR APPROXIMATELY TEN ACRES OF VACANT LAND IN THE PROXIMITY OF SW 184 STREET AND SW 157 AVENUE, UNINCORPORATED MIAMI-DADE COUNTY, IN THE AMOUNT OF \$1,000,000 AND UP TO \$30,000 OF LATE CLOSING PAYMENTS, AND AUTHORIZING THE EXPENDITURE OF UP TO \$6,000 FOR CLOSING COSTS, ONE-HALF OF WHICH SHALL BE FUNDED BY FIRE IMPACT FEES AND ONE-HALF OF WHICH SHALL BE FUNDED BY POLICE IMPACT FEES; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT FOR SALE AND PURCHASE, EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, TAKE ALL OTHER ACTIONS NECESSARY TO EFFECTUATE SAID PURCHASE AND ACCEPT CONVEYANCE OF PROPERTY BY WARRANTY DEED; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECORD SUCH DEED

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a contract for sale and purchase between Krome Groves, LLC and Phoebe Vonp Krome Family Limited Partnership and Miami-Dade County for approximately ten acres of vacant land in the proximity of SW 184 Street and SW 157 Avenue in the amount of \$1,000,000.00 and up to \$30,000.00 of late closing payments; and authorize the expenditure of up to \$6,000.00 for closing costs.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Daniella Levine Cava, District 8  
Department/Requester: Internal Services Department (ISD)**

During the PSHC meeting on December 12, 2018, the item was forwarded to the BCC with a favorable recommendation. Subsequently, the BCC deferred this item at its meetings of January 23, 2019 and February 5, 2019, at which time there was no discussion of the item.

**ANALYSIS**

The proposed resolution is for Board approval, by a two-thirds vote, of a contract for sale and purchase between Krome Groves, LLC and Phoebe Vonp Krome Family Limited Partnership, as sellers, and Miami-Dade County, as buyer, for approximately ten acres of vacant land in District 8, located at SW 184 Street and SW 157 Avenue (a portion of Folio No. 30-6904-000-0230), in the amount of \$1,000,000 and up to \$30,000 of late closing payments; and authorize the expenditure of up to \$6,000 for closing costs.

The fiscal impact to the County is estimated to be \$1,006,000, which includes the \$1,000,000 for acquisition of the Property and approximately \$6,000 for closing costs. According to the mayor's memo, if the purchase of the Property did not occur by March 31, 2019, the County had agreed to pay the seller \$5,000 a month until the purchase occurred, not exceeding six months. The acquisition and any delayed closing costs were to be divided amongst the Miami- Dade Fire Rescue and Miami-Dade Police departments, supported by the Fire Impact Fees and Police Impact fees.

Two appraisals were procured by the Internal Services Department (ISD) as required by Section 125.355 in the Florida Statutes. The first appraisal performed on July 15, 2018 valued the property at \$740,000 and the second appraisal performed on August 27, 2018 valued the property at \$800,000. Because the agreed purchase price exceeds the average of the two appraisals, the Board must approve the sale by two-thirds vote. The Fire Rescue and Police Departments

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File No. 182785**

**Researcher: MF Reviewer: PGE**

selected the subject parcel of land for the purchase of \$1,000,000 because it was the lowest amount the seller was willing to accept and the lack of adequately sized and priced parcels within the Urban Development Boundary (UDB) contributed to their conclusion.

The County has expressed an interest in purchasing this property in order for Fire Rescue and Police to construct a fire station, police station, and a radio communications monopole (Eureka Facility), thus providing the area a wider range of services, close proximity to the area, and improve response times to the north due to the opening of a major road, SW 157 Avenue. The fire station will use five acres of the purchased land and use have one story, a 12,000 square foot facility, and three bays. The facility will house essential amenities such as staff and visitor parking, driveways, a fueling facility, security fencing, trash disposal area, and landscaping. A 199-foot radio communications monopole will be constructed by Fire Rescue on the five acre property and a private access drive will be created. On the other five acre half, the Police Department will construct a 22,000 square foot police station that will include a 3,400 square foot vehicle maintenance facility. Item No. 190033 on today's BCC agenda is the accompanying item to this request, for Governmental Facilities approval to proceed with the development of the Eureka fire station, pursuant to Section 33-303 of the Miami-Dade County Code.

The 10 acres of vacant land tentatively being purchased is part of a 65.62-acre parcel of agriculturally zoned land. Commissioner Daniella Levine Cava has requested a conservation easement to be placed in another County-owned 10-acre property outside of the UDB and restrict its use to agriculture to offset the loss of agricultural land in the UDB.

According to the Property Appraiser's website, from 2016-2018, the assessed market and land value for Folio No. 30-6904-000-0230 is \$1,640,500, a portion of which 10 acres will be purchased for \$1,006,000 including closing costs of up to \$6,000.

The aerial photo below shows the proposed Property for purchase.

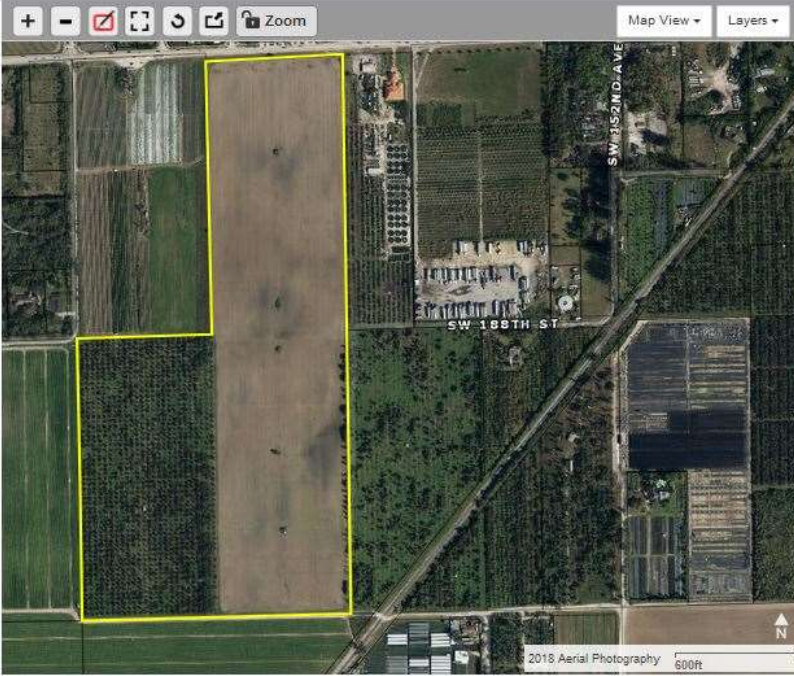


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**Researcher: MF Reviewer: PGE**

Address	Owner Name	Subdivision Name	Folio
<b>SEARCH:</b> 30-6904-000-0230 <span style="float: right;">Q</span>			
<b>PROPERTY INFORMATION</b>			
Folio: 30-6904-000-0230			
Sub-Division:			
Property Address			
Owner KROME GROVES LLC			
Mailing Address PO BOX 900596 HOMESTEAD, FL 33090			
PA Primary Zone 9000 AGRICULTURE			
Primary Land Use 6661 AVOCADO GROVES - VACANT LAND			
Beds / Baths / Half	0 / 0 / 0		
Floors	0		
Living Units	0		
Actual Area	0		
Living Area	0		
Adjusted Area	0		
Lot Size	2,858,407.2 Sq. Ft.		
Year Built	0		



**ADDITIONAL INFORMATION**

The Comprehensive Development Master Plan (CDMP) expresses the County's general objectives and policies regarding development and conservation of land and natural resources over the next 10-20 years. Specifically, it addresses optimizing efficiency in public service delivery through departments such as Fire and Rescue and the Police Departments.

<https://www.miamidade.gov/planning/cdmp.asp>

**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-380-17**, adopted by the Board on April 4, 2017, establishes Board policy regarding County-owned real property; requiring County Mayor or his designee to provide written notification to District Commissioner in which County-owned property lies no less than four weeks prior to 1) any issuance of a request for proposal or expression of interest regarding the sale, lease, or development of such County-owned property or 2) placing any item on the agenda of this Board or any committee of this Board requesting the approval of the sale, lease, or surplus of County-owned property.

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



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**Florida Statutes Section 125.355** provides that for each real property purchase exceeding the amount of \$500,000, the governing body needs to obtain at least two appraisals and if the agree purchase price exceeds the average appraised price of the two appraisals, the governing body is required to approve the purchase by an extraordinary vote.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=section+125.355&URL=0100-0199/0125/Sections/0125.355.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=section+125.355&URL=0100-0199/0125/Sections/0125.355.html)

**Section 33.303 of the Miami-Dade County Code** relates to the acquisition of property being contingent upon approval of a governmental facility hearing by the Board approving the proposed use.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTXXXVIZOPR\\_S33-303EXPRZOUNARWHCOREZOJUINAREXAPGOFA](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXXXVIZOPR_S33-303EXPRZOUNARWHCOREZOJUINAREXAPGOFA)

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

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

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

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

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Research Notes**

**Item No. 8F2  
File No. 191410**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING THE TERMS OF A COLLOCATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, FOR THE PREMISES LOCATED AT 1001 NW 111 AVENUE, MIAMI, FLORIDA TO BE UTILIZED BY THE TRANSPORTATION AND PUBLIC WORKS DEPARTMENT, TRAFFIC SIGNALS AND SIGNS DIVISION, WITH A TOTAL FISCAL IMPACT TO THE COUNTY ESTIMATED TO BE \$251,517.15 FOR A FIVE-YEAR TERM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAID AGREEMENT, TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize execution of the Collocation Agreement between the State of Florida's Department of Transportation (State) and the County on behalf of the Department of Transportation and Public Works (DTPW) for property located in District 12 operating as the SunGuide Transportation Management Center, with a total fiscal impact to the County estimated to be \$251,517.15 for a term of five years.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12  
Department/Requester: Internal Services Department (ISD)**

This item was forwarded to the BCC with a favorable recommendation by the Infrastructure & Capital Improvements Committee at its June 11, 2019 meeting.

**ANALYSIS**

The purpose of this item is to authorize a Collocation Agreement allowing the County to use a total of 695.2 square feet of office space within the SunGuide Transportation Management Center (Center) for a five-year term for the purpose of facilitating efficient coordination of traffic management with those entities responsible for the operation and management of the highway and freeway systems within the County: The Florida Department of Transportation (FDOT), the Miami-Dade Expressway Authority (MDX), and Florida Turnpike Enterprise (FTE). These entities all have offices in the Center, located at 1001 NW 111 Avenue, whereas the County's Department of Transportation and Public Works (DTPW) currently operates its Traffic Control Center at 7100 NW 36 Street. Per the agreement, DTPW's Traffic Signals and Signs Division will occupy room 230, which has a total floor space of 516 square feet, to house Traffic Operations staff and 179.2 square feet in room 112 to house County computer servers that will support the County's traffic signal professionals.

The relocation will have a total fiscal impact of \$251,517.15 for the duration of the agreement. The cost for the initial year of the agreement, estimated to be \$34,303.43, reflects an approximate rental rate of \$49.34 per square foot and operating expenses. The County's share of the Center's operations and maintenance costs is calculated by multiplying the percent of office occupied by DTPW by the Center's FY 2016 operations and maintenance costs, including costs such as, but not limited to, electric, water, maintenance, and janitorial services. The annual payment rates are fixed for the original five year term of the agreement. The State is responsible for all costs associated with the installation of flooring, ceiling tiles, and heating, ventilation, and air conditioning (HVAC) ducts to room 230 while the County is responsible for the costs of upgrading power outlets and communication network drops at an estimated cost of \$80,000.

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**Researcher: JFP Reviewer: TD**

**APPLICABLE LEGISLATION/POLICY**

N/A

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**Item No. 8F4  
File No. 191418**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING THE TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE OF AN AMENDMENT TO LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND DORAL 8240 OFFICE, LLC, FOR THE PREMISES LOCATED AT 8240 NW 52 TERRACE, MIAMI, FLORIDA TO LEASE AN ADDITIONAL 822 RENTABLE SQUARE FEET OF OFFICE SPACE FOR USE BY THE MIAMI-DADE COUNTY POLICE DEPARTMENT, AND TO EXTEND THE LEASE TERM AND ADJUST THE RENTAL RATE, ANNUAL PERCENTAGE INCREASES, AND OTHER TERMS WITH A TOTAL FISCAL IMPACT TO THE COUNTY ESTIMATED TO BE \$1,478,790.56 FOR A FIVE YEAR TERM, WITH ONE, FIVE YEAR OPTION TO RENEW; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize execution of an amendment to the Lease Agreement between Doral 8240 Office, LLC (Landlord) and the County (Tenant) for property located in District 12 for use by the Miami-Dade County Police Department to allow for leasing additional office space in the building, adjustment of the rental rate and annual percentage increases, and establishment of a lease term of five years, with one, five-year option to renew.

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12  
Department/Requester: Internal Services Department**

This item was forwarded to the BCC with a favorable recommendation by the Public Safety and Rehabilitation Committee at its June 11, 2019 meeting.

**ANALYSIS**

The purpose of this item is to facilitate amendment of the Lease Agreement for property located at 8240 NW 52 Terrace, leased by Miami-Dade Police Department (MDPD) since 2013 for its Psychological Services Section. The lease, initiated in March 2013 for five years with one five-year renewal period, expired on April 30, 2018. At this time the County elected to exercise its option to renew. Among the modifications is a notable increase in the proposed annual rent as a result of MDPD's election to lease additional 822 square feet of office space. The total square footage is now 3,963 square feet. The second factor affecting the rent is an increased rental rate, from \$19.32 per square foot to \$31 per square foot. A comparable property in the area has a rental rate of \$32 per square foot on an annual basis. A determination was made that remaining in the space would result in a lower financial impact than relocating the MDPD operation.

The fiscal impact to the County for the initial year of the lease term is estimated to be \$132,612.67 with the base rent of \$122,853 including operating expenses such as electricity, water, and waste disposal services. The County retains responsibility for telephone services.

The proposed lease term of five years, with one, five-year option to renew (OTR) presents a total estimated fiscal impact to the County of \$1,278,790.56 for the duration of the lease and exercised OTR. This amount reflects a 3% annual base rent increase per the amended lease terms and amounting to a \$497,752.96 increase in estimated fiscal impact from the original lease. The County is responsible for holdover rent from May 1, 2018 through July 31, 2018 for the existing premises.

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**Researcher: JFP Reviewer: TD**

Per the amended Lease Agreement, the landlord will perform all necessary renovations to the additional office space at its own cost and expense. Any upgrades and improvements beyond what the landlord provides will be at the County's expense. The termination clause of the original lease agreement has been deleted, thus eliminating the County's right to terminate the lease.

The leasing company, Doral 8240 Office, LLC, underwent a name change from Doral P1 Phase, LLC on April 12, 2018. Doral 8240 Office LLC is active and registered to do business in Florida per Sunbiz.org, the State's official Division of Corporations website. The Limited Liability Company is listed with a local principal place of business of 2020 Salzedo Street, 5th Floor, Coral Gables, FL 33134.

Below is an image of the subject property located in District 12.



**DEPARTMENTAL INPUT**

OCA posed the following questions to the Internal Services Department (responses in italics):

- What properties in the area were researched in an effort to obtain a better rental rate? What are the costs per square foot and square footage of those properties?  
*The Police Department's Psychology Section (Department), has rapidly grown since it relocated into this location in 2013. The Department required additional space to meet its needs, and required some unique features to protect the identity of the individuals visiting the office. In the initial search, ISD provided 10 properties to the Department, within the same neighborhood, to consider as new office space (see attached). Many of the office spaces considered were around \$25.00 base rent, plus expenses (net property taxes, net building insurance, and net common area maintenance), resulting in a total rental cost of at least \$31.00 per square foot. Almost all of the comparable properties in the area were at or above the current cost of \$31.00 per square foot.*

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*Aside from the square footage, there are also tenant improvement costs that must be reviewed and considered when analyzing this transaction, particularly when factoring in the relocation costs, if the Department elected to move from the current location. Many of the properties available, and considered as replacement properties, needed extensive renovation work to meet the needs of the Department. Whereas, in this current location, the Landlord is willing to renovate the office space to meet the Department's needs at no cost to the County (estimated savings of over \$90,000).*

- What was the delay in bringing this amended agreement before the Board, resulting in the lease being month-to-month for almost a year?  
*After ISD conducted a search of possible options, it took several weeks to gain access to the researched properties, and for the Department to consider all options. Additionally, County staff negotiated on two landlord, relating to other properties, which negotiations fell through due to the fact that the parties were unable to reach an agreement on terms. Later in the process, staff determined that the suite next door to the office, currently utilized by the Department, was becoming available. As a result, staff reviewed what work needed to be performed in order to utilize the additional suite, and then negotiated the terms of the Lease Agreement to complete the transaction to meet the needs of the Department.*

**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-139-13**, adopted February 20, 2013, approved terms of and authorized execution by the County Mayor of a Lease Agreement in the Doral area, with Doral P1 Phase, LLC, a Delaware Limited Liability company, for premises to be utilized by the Miami-Dade Police Department as administrative offices, with a total fiscal impact to the County estimated to be \$781,037.60 for the initial five-year term of the lease and the additional five-year renewal option period.

<http://intra/gia/matter.asp?matter=130089&file=true&yearFolder=Y2013>



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**Item No. 8F5  
File No. 191412**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY (COUNTY) AND THE ARC OF SOUTH FLORIDA (A FICTITIOUS BUSINESS NAME FOR THE ASSOCIATION FOR RETARDED CITIZENS, SOUTH FLORIDA, INC.), A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR THE PROPERTY LOCATED AT THE COMMUNITY OF LANDMARK, 20000 NW 47 AVENUE, BUILDINGS 7A, 7B, AND 7C (COLLECTIVELY KNOWN AS BUILDING 7), IN UNINCORPORATED MIAMI-DADE COUNTY, FLORIDA, FOR THE PURPOSES OF OPERATING CHILD WELFARE AND TRAINING PROGRAMS THAT INCLUDE, BUT ARE NOT LIMITED TO, A SCHOOL FOR CHILDREN WITH DISABILITIES, AS WELL AS ANCILLARY OFFICE AND STORAGE SPACE, WITH A TOTAL GROSS RENTAL REVENUE TO THE COUNTY IN THE AMOUNT OF \$153,776.31, FOR THE ONE YEAR TERM OF THE LEASE AGREEMENT AND AN ADDITIONAL TWO, ONE-YEAR RENEWAL OPTION PERIODS; AUTHORIZING THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; WAIVING THE REQUIREMENTS OF ADMINISTRATIVE ORDER 8-4; AND DIRECTING THE COUNTY MAYOR, OR COUNTY MAYOR'S DESIGNEE, TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF ITS EXECUTION

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the lease agreement between the County and the ARC of South Florida for premises located at 20000 NW 47 Avenue to be used for the provision of child welfare and training programs for a one-year term plus two, one-year options to renew with a total gross rental revenue to the County of \$153,776.31.

**PROCEDURAL HISTORY**

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

**Requester/Department: Internal Services**

The item was considered at the June 10, 2019 meeting of the Housing, Social Services and Economic Development Committee wherein it was forwarded to the Board with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to renew the lease agreement between the County, as Landlord, and ARC of South Florida, as Tenant, for use of County-owned property for the delivery of child welfare and training programs for children with disabilities. The property is located in District 1 at the Community of Landmark, 20000 NW 47 Avenue, and consists of 6,069 square feet. On February 3, 2015, pursuant to Resolution No. R-89-15, the Board approved the prior lease agreement between the County and the ARC of South Florida for a one-year term plus a one-year renewal option period with a total gross rental revenue to the County in the amount of \$104,055.

The current lease has expired and the ARC remains on the premises pursuant to that lease's holdover provision. The proposed renewal lease agreement is for a one-year term plus, two, one-year options to renew with a total rental value of \$153,776.31. The annual rent is \$51,258.77, which may be paid in 12 installments of \$4,271.56. The County remains responsible for the payment of water and electricity during the term of the lease. The annual estimated cost for water and electricity is \$10,923.



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**Item No. 8F5**  
**File No. 191412**

**Researcher: PGE    Reviewer: TD**

On March 6, 2018, pursuant to Resolution No. R-237-18, the Board approved a lease and development agreement between the County and 13 Pista LLC for 140 acres at 20000 NW 47 Avenue for an initial term of 30 years for rent of no less than \$33,382,655.07. The scope of the development agreement includes the property being leased by ARC. Per the terms of that agreement, 13 Pista LLC will build a new facility for ARC on non-County property and relocate ARC to such property once constructed. In the interim, ARC shall remain on the County property at the Community of Landmark.

Under the recommended lease agreement, ARC shall use the premises solely for child welfare and training programs that include, but are not limited to, a school and for ancillary office and storage space. ARC agrees that no changes in the permitted use of the premises is allowed without the express prior written permission of the County. Additionally, the ARC accepts the premises in its “as-is” condition and shall maintain and keep the property in good repair, condition and appearance.

ARC’s legal name is the Association for Retarded Citizens, South Florida, Inc. A search on Sunbiz.org, the official State of Florida Division of Corporations website, shows the company as an active nonprofit with a principal address at 15280 NW 79 Court, Suite 251, Miami Lakes, Florida. The company’s director is listed as Helen Salazar-Realini.

**APPLICABLE LEGISLATION/POLICY**

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

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

**Section 125.38 Florida Statutes** provides that if the United States, or any department or agency thereof, the state or any political subdivision or agency thereof, or any municipality of this state, or corporation or other organization not for profit which may be organized for the purposes of promoting community interest and welfare, should desire any real or personal property that may be owned by any county of this state or by its board of county commissioners, for public or community interest and welfare, then the United States, or any department or agency thereof, state or such political subdivision, agency, municipality, corporation or organization may apply to the board of county commissioners for a conveyance or lease of such property. Such board, if satisfied that such property is required for such use and is not needed for county purposes, may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, as such board may fix, regardless of the actual value of such property. The fact of such application being made, the purpose for which such property is to be used, and the price or rent therefor shall be set out in a resolution duly adopted by such board. In case of a lease, the term of such lease shall be recited in such resolution.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0125/Sections/0125.38.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.38.html)

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

[https://library.municode.com/fl/miami-dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

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**Researcher: PGE   Reviewer: TD**

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

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

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

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

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

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

**Resolution No. R-89-15**, adopted February 3, 2015, approved a lease agreement between the County and the ARC of South Florida for premises located at 20000 NW 47 Avenue with a total gross rental revenue to the County in the amount of \$104,055 for the one year term of the lease agreement and the additional one year renewal option period.

<http://intra/gia/matter.asp?matter=171911&file=false&yearFolder=Y2017>

**Resolution No. R-237-18**, adopted March 6, 2018, approved a lease and development agreement between the County and 13 Pista LLC for 140 acres at 20000 NW 47 Avenue for an initial term of 30 years for rent of no less than \$33,382,655.07.

<http://intra/gia/matter.asp?matter=181447&file=false&yearFolder=Y2018>

**Resolution No. R-407-19**, adopted April 9, 2019, directed the County Mayor to provide written notification to the public prior to the noncompetitive sale or lease of County-owned property for certain purposes.

<http://intra/gia/matter.asp?matter=190474&file=true&yearFolder=Y2019>

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

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

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**Item No. 8F6  
File No. 191413**

**Researcher: LE    Reviewer: TD**

RESOLUTION APPROVING, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND HIS HOUSE, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR THE PROPERTY LOCATED AT THE COMMUNITY OF LANDMARK, 20000 NW 47 AVENUE, BUILDINGS 2, 4, 6A, 9, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 34, AND 35, IN UNINCORPORATED MIAMI-DADE COUNTY, FLORIDA, FOR THE PURPOSES OF OPERATING CHILD WELFARE AND TRAINING PROGRAMS AND FOR ANCILLARY OFFICE AND STORAGE SPACE, WITH A TOTAL GROSS RENTAL REVENUE TO THE COUNTY IN THE AMOUNT OF \$2,291,214.00 FOR THE ONE-YEAR TERM OF THE LEASE AGREEMENT AND AN ADDITIONAL TWO, ONE-YEAR RENEWAL OPTION PERIODS; AUTHORIZING THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; WAIVING THE REQUIREMENTS OF ADMINISTRATIVE ORDER 8-4; AND DIRECTING THE COUNTY MAYOR, OR COUNTY MAYOR'S DESIGNEE, TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN THIRTY (30) DAYS OF ITS EXECUTION

**ISSUE/REQUESTED ACTION**

Whether the Board authorizes a lease agreement between Miami-Dade County and His House, Inc. for the property located at, 20000 NW 47 Avenue in the amount of \$2,291,214.00 for a one-year term and additional two, one-year renewal options waiving Administrative Order 8-4.

**PROCEDURAL HISTORY**

**Prime Sponsor: Chairwoman Barbara Jordan, District 1**

**Department/Requester: Internal Services**

This item was forwarded to the BCC with a favorable recommendation during the Housing, Social Services and Economic Development (HSSSED) meeting of June 10, 2019.

**ANALYSIS**

The purpose of this item is to request Board authorization for a lease agreement between Miami-Dade County and His House, Inc. for property located at 20000 NW 47 Avenue, Buildings 2, 4, 6A, 9, 22, 23, 25, 27, 28, 29, 30, 31, 32, 33, 34, and 35 to operate child welfare and training programs and for ancillary office and storage space, waiving Administrative Order 8-4.

The rental revenue for the initial lease term provides the County \$763,738.00 (\$8.70 per square foot). The revenue will be paid in 12 equal installments of \$63,644.83 per month. The total projected revenue for the County with the initial term of the lease and the two additional one-year renewal option periods is estimated at \$2,291,214.00. The County is responsible for water and electricity payments with an annual estimated cost of \$158,024.00 for a total of approximately \$474,072.00 for the one-year lease and additional two, one-year renewal option periods.

On June 7, 2019, OCA performed a search on Sunbiz and His House, Inc. currently shows an active status. Prior to the County acquiring the property in 2005, the Tenant occupied the property providing residential foster care, child welfare, and training programs. The resolution allows leasing the approximate 87,792 rentable square feet property together with the land immediately surrounding and ancillary parking adjacent to the buildings.

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F6**  
**File No. 191413**

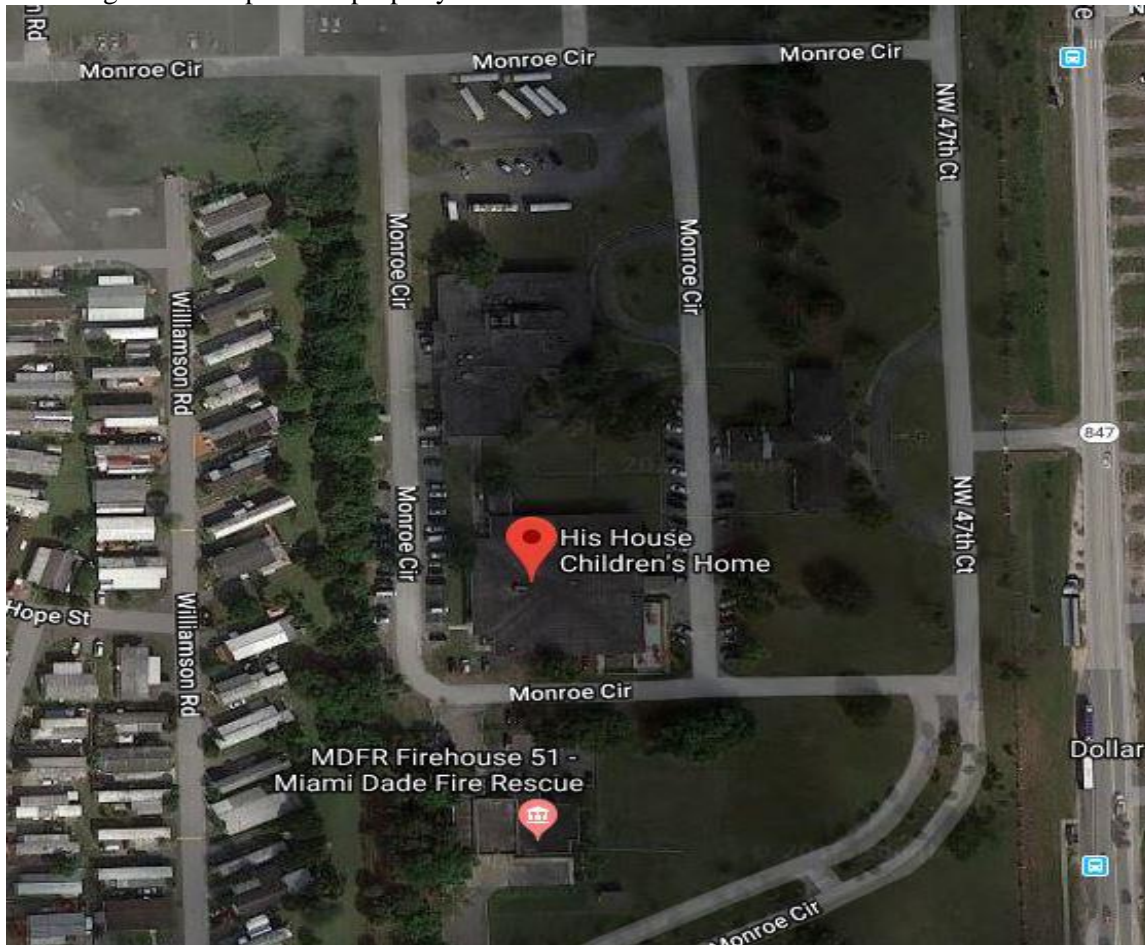
**Researcher: LE    Reviewer: TD**

The lease requires the County responsible for paying water and electric charges for the property during the term of the lease and renewal option periods. The tenant will be responsible for the interior and exterior of the property, such as the exterior structure of all buildings, any infrastructure, maintenance, and repair of water lines, sewer pipes, and electrical lines or wiring leading to the main line pump station, or utility pole. Additionally, they are responsible for the landscaping between all structures and the nearest roadway as well as securing and maintaining security.

The Board authorized a lease agreement for a one year term and one-year option to renew with Resolution No. R-300-15 on April 21, 2015. The agreement has expired and the tenant remained on the property on a month-to-month basis under the holdover provision. The tenant wanted to continue leasing the property for residential foster care, child welfare, training programs, and caring for children from foreign countries under the Office of Refugee Resettlement, known as the Unaccompanied Alien Children program, as well as for ancillary office and storage space.

The Board wishes to waive Administrative Order 8-4 since pursuant to Resolution No. R-237-18, the property was previously declared surplus for the lease and development agreement between the County and 13 Pista, LLC.

The image below depicts the property located at 20000 NW 47 Avenue.





**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F6**  
**File No. 191413**

**Researcher: LE    Reviewer: TD**

**ADDITIONAL INFORMATION**

His House, Inc. is a private non-profit, faith-based organization serving children below the age of 18 years. His House has served the community for more than 29 years and over 14,000 children by providing residential and foster care services. The organization is licensed by the Department of Children and Families, contracted by Our Kids Inc. in Miami-Dade, Monroe, and Childnet in Broward as a residential program and child placement agency. Their capacity is at 232 beds and the organization cares who children who are removed from their home due to abuse, abandonment, and neglect. Within the last year, almost 1,100 children have used the services at His House.

<https://www.hhch.org/about-us/>

**APPLICABLE LEGISLATION/POLICY**

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

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

**Resolution R-333-15**, adopted April 21, 2015, entitled "Resolution establishing County policy to require disclosure of market value of market rental in legislative items authorizing the conveyance or lease of County-owned property to promote disclosure and fiscal responsibility".

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

**Resolution No. R-300-15**, adopted April 21, 2015, authorizes a lease agreement between Miami-Dade County and His House, Inc. for the property located at 20000 NW 47 Avenue.

<http://intra/gia/matter.asp?matter=142838&file=true&yearFolder=Y2014>

**Resolution No. R-237-18**, adopted March 6, 2018, approves a lease and development agreement between the County and 13 Pista, LCC for a lease of property at 20000 NW 47 Avenue of approximately 140 acres, for an initial term of 30 years.

<http://intra/gia/matter.asp?matter=181447&file=false&yearFolder=Y2018>

**Administrative Order 8-4** provides that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded in the policy, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.

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

**Resolution No. R-407-19**, adopted April 9, 2019, directs the County Mayor to provide written notification to the public prior to the non-competitive sale or lease of County-owned property.

<http://intra/gia/matter.asp?matter=190474&file=true&yearFolder=Y2019>

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

<http://intra/gia/matter.asp?matter=120899&file=true&yearFolder=Y2012>

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F7  
File No. 191416**

**Researcher: LE    Reviewer: TD**

RESOLUTION APPROVING, PURSUANT TO SECTION 125.38, FLORIDA STATUTES, TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR, OR MAYOR'S DESIGNEE, OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY (COUNTY) AND THE CENTER FOR FAMILY AND CHILD ENRICHMENT, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR THE PROPERTY LOCATED AT THE COMMUNITY OF LANDMARK, 20000 NW 47 AVENUE, BUILDINGS 24 AND 26, IN UNINCORPORATED MIAMI-DADE COUNTY, FLORIDA, FOR THE PURPOSES OF OPERATING CHILD WELFARE AND TRAINING PROGRAMS THAT INCLUDE, BUT ARE NOT LIMITED TO SHELTERS FOR CHILDREN, CLASSROOM SPACE, AND FOR ANCILLARY OFFICE AND STORAGE SPACE, WITH A TOTAL GROSS RENTAL REVENUE TO THE COUNTY IN THE AMOUNT OF \$190,516.29, FOR THE ONE-YEAR TERM OF THE LEASE AGREEMENT AND AN ADDITIONAL TWO, ONE-YEAR RENEWAL OPTION PERIODS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN; WAIVING THE REQUIREMENTS OF ADMINISTRATIVE ORDER 8-4, AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN THIRTY (30) DAYS OF ITS EXECUTION

**ISSUE/REQUESTED ACTION**

Whether the Board authorizes a lease agreement between Miami-Dade County and the Center for Family and Child Enrichment, Inc. for the property located at 20000 NW 47 Avenue, Buildings 24 and 26 in the amount of \$190,516.29 for a one-year term and additional two, one-year renewal options; and waive Administrative Order 8-4.

**PROCEDURAL HISTORY**

**Prime Sponsor: Chairwoman Barbara Jordan, District 1**

**Department/Requester: Internal Services**

This item was forwarded to the BCC with a favorable recommendation during the Housing, Social Services and Economic Development (HSSSED) meeting on June 10, 2019.

**ANALYSIS**

The purpose of this item is to request Board authorization for a lease agreement between Miami-Dade County and the Center for Family and Child Enrichment, Inc. for the property located at 20000 NW 47 Avenue, Buildings 24 and 26 to operate child welfare and training programs such as shelters for children, classroom space, and ancillary office and storage space; and waive Administrative Order 8-4.

The rental revenue for the initial term of the lease will provide the County \$63,505.43 (\$8.70 per square foot). The revenue will be paid in 12 equal installments, \$5,292.12 per month. The total projected revenue for the County with the initial term of the lease and the two additional one-year renewal option periods is estimated at \$190,516.29. The County will be responsible for water and electricity payments with an annual estimated cost to be \$13,140.00 for a total to be approximately \$39,420.00 for the one-year lease and additional two, one-year renewal option periods.

The Center for Family and Child Enrichment, Inc. currently shows an active status on Sunbiz. As a part of the agreement, the County will be responsible for paying the water and electric charges for the property during the term of the lease and renewal option periods. The tenant will be responsible for the interior and exterior of the property, such as the exterior structure of all buildings, any infrastructure, maintenance, and repair of water lines, sewer pipes, and

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Research Notes**

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**Researcher: LE    Reviewer: TD**

electrical lines or wiring leading to the main line pump station, or utility pole. Additionally, they are responsible for the landscaping between all structures and the nearest roadway as well as securing and maintaining security.

The Board authorized a lease agreement for a one year term and one-year option to renew with Resolution No. R-88-15. The agreement has expired and the tenant remained on the property on a month-to-month basis under the holdover provision. The tenant wanted to continue leasing the property to provide a shelter and school for children, classroom, ancillary office, and storage space.

The Board wishes to waive Administrative Order 8-4 since pursuant to Resolution No. R-237-18, the property was previously declared surplus for the lease and development agreement between the County and 13 Pista, LLC.

**ADDITIONAL INFORMATION**

The Center for Family and Child Enrichment, Inc. (CFCE) is a private, non-profit that was created in 1977 to assist children who have been abused, neglected, or abandoned. CFCE provides a range of services such as counseling and therapy services, family and community support programming, and health services. Today, CFCE is recognized in the child welfare and children's mental health arenas for their innovative programs and intervention models. They have numerous locations with more than 237 employees, and assist approximately 6,500 children and families a year.

<https://www.cfcecares.org/our-history>

**APPLICABLE LEGISLATION/POLICY**

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

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

**Resolution R-333-15**, adopted on April 21, 2015, entitled "Resolution establishing County policy to require disclosure of market value of market rental in legislative items authorizing the conveyance or lease of County-owned property to promote disclosure and fiscal responsibility".

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

**Resolution No. R-88-15**, adopted on February 3, 2015, authorizes a lease agreement between the County and the Center for Family and Child Enrichment, Inc. for the premises located at 20000 N.W. 47 Avenue.

<http://intra/gia/matter.asp?matter=171910&file=false&yearFolder=Y2017>

**Resolution No. R-237-18**, adopted on March 6, 2018, approves a lease and development agreement between the County and 13 Pista, LCC for a lease of property at 20000 NW 47 Avenue of approximately 140 acres, for an initial term of 30 years.

<http://intra/gia/matter.asp?matter=181447&file=false&yearFolder=Y2018>

**Administrative Order 8-4** provides that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded in the policy, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.



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**File No. 191416**

**Researcher: LE    Reviewer: TD**

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

**Resolution No. R-407-19**, adopted on April 9, 2019, directs the County Mayor to provide written notification to the public prior to the non-competitive sale or lease of County-owned property.

<http://intra/gia/matter.asp?matter=190474&file=true&yearFolder=Y2019>

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

<http://intra/gia/matter.asp?matter=120899&file=true&yearFolder=Y2012>

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F8**

**File No. 191358**

**Researcher: PGE    Reviewer: TD**

RESOLUTION AUTHORIZING AWARD OF A LEGACY CONTRACT FOR DNA TESTING EQUIPMENT, SUPPLIES, MAINTENANCE AND TRAINING FOR THE MIAMI-DADE POLICE DEPARTMENT, CONTRACT NO. BW6636-0/23, TO LIFE TECHNOLOGIES CORPORATION FOR A FIVE-YEAR TERM IN A TOTAL AMOUNT NOT TO EXCEED \$4,000,000.00 AND APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize a legacy contract award to Life Technologies Corporation (LTC) for DNA testing equipment, supplies, maintenance and training services in an amount of up to \$4,000,000 for a five-year term for the Miami-Dade County Police Department (MDPD).

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services**

The item was considered at the June 11, 2019 meeting of the Public Safety and Rehabilitation Committee wherein it was forwarded to the Board with a favorable recommendation. During the meeting, the following discussion transpired:

- Commissioner Diaz requested clarification on whether the contractor, Life Technologies Corporation, is the sole source provider of these services. Addressing this, the Director of the Police Department stated that Life Technologies Corporation is the current vendor who the County desires to continue contracting with in order to prevent a disruption in services. The director noted that the Police Department plans to hire eight new personnel to manage the DNA testing caseload. Finally, the director noted that the Police Department has future plans to migrate to Rapid DNA devices which would speed up the testing process.

**ANALYSIS**

The purpose of this item is for MDPD to continue receiving DNA testing, equipment, supplies, maintenance and training services from LTC, the incumbent vendor, to ensure no interruption in the department's Crime Laboratory operations. The current legacy contract (*BW6636-0/18*) is valued at \$2,200,000 for a five-year term, from February 15, 2014 through August 31, 2019. Note that the original expiration date was February 28, 2019; the contract has been extended, administratively, by six months under the County Mayor's delegated authority. LTC has been delivering the contract services to MDPD since August 2006.

This replacement award is valued at \$4,000,000 for a five-year term. The increase in allocation under this contract is attributable to MDPD's decision to no longer outsource DNA services. Under this award, MDPD continues to receive the following specific services:

- HID systems equipment, DNA testing supplies and software supplies;
- HID systems and software maintenance and repair; and
- HID systems and software training.

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File No. 191358**

**Researcher: PGE   Reviewer: TD**

These services are for the LTC equipment currently in operation at MDPD's Crime Laboratory.

This contract is used to conduct analysis on biological evidence submitted to the Crime Laboratory. LTC is the sole manufacturer and distributor of the Applied Biosystems Genetic Analyzers, real time thermal cyclers and associated software used in MDPD's DNA testing program. The equipment and supplies provided by LTC has been validated through an extensive testing process required for the department's accreditation and for coordination with the FBI's national DNA database.

As documented in the Market Research compiled by the Administration, there is competition in the market for DNA testing equipment, e.g., Promega Power Quant System, ABI 7500, and PowerPlex Fusion 5C. However, as suggested in the mayoral memorandum, if the MDPD Crime Laboratory were to transition to a new vendor, it would require shutting down the current DNA testing program (which has a sizeable caseload), retraining staff and reconfiguring instruments and software systems, and testing products for effectiveness prior to the completion of any casework. Such a transition to a new manufacturer is estimated to cost over \$3,000,000. LTC is the only vendor capable of delivering the services needed by MDPD to maintain the department's existing DNA testing program.

Pursuant to Section 2-8.1(b)(2) of the County Code, the County Mayor shall include, in any legacy purchase award recommendation, a statement as to the need for such purchase and the provisions taken to reduce or eliminate the future need for legacy purchases for the particular good or service. While this item sets forth the case for the need to continue purchasing DNA testing equipment and services from LTC, it does not explain what MDPD intends to do, long-term, to reduce or eliminate the future need for a legacy purchase for the contracted services.

**ADDITIONAL INFORMATION**

Life Technologies Corporation was acquired by ThermoFisher Scientific in January 2014.

<https://www.thermofisher.com/us/en/home/brands/life-technologies.html>

See the link to the December 13, 2018 Washington Post article titled "FBI plans Rapid DNA network for quick database checks on arrestees." The article explains the quick turnaround from use of the Rapid DNA machine, which is manufactured by ANDE 6C. The machine can produce DNA profiles in less than two hours.

[https://www.washingtonpost.com/crime-law/2018/12/13/fbi-plans-rapid-dna-network-quick-database-checks-arrestees/?noredirect=on&utm\\_term=.f8e8fcd516e6](https://www.washingtonpost.com/crime-law/2018/12/13/fbi-plans-rapid-dna-network-quick-database-checks-arrestees/?noredirect=on&utm_term=.f8e8fcd516e6)

**APPLICABLE LEGISLATION/POLICY**

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

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

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

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F8**  
**File No. 191358**

**Researcher: PGE   Reviewer: TD**

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIINGE S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIINGE S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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

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

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

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

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

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

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

**Resolution No. R-737-13**, adopted September 17, 2013, approved award of a legacy contract to Life Technologies Corporation for DNA testing equipment, supplies, maintenance and training for a five-year term for a value of \$2,000,000.

<http://intra/gia/matter.asp?matter=131540&file=true&yearFolder=Y2013>

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

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F9  
File No. 191401**

**Researcher: MF Reviewer: PGE**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$750,000 FOR A MODIFIED CONTRACT AWARD OF \$1,750,000 FOR CONTRACT NO. EPRFQ-00608 FOR THE PURCHASE OF MARKETING AND PUBLIC RELATION SERVICES FOR THE DEPARTMENT OF CULTURAL AFFAIRS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize additional expenditure of \$750,000 to Contract No. EPPRFQ-00608, *Marketing and Public Relations Services*, for the Department of Cultural Affairs to continue receiving advertising services to support its cultural programs and events for the duration of the contract term.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department (ISD)**

This item was brought before the Parks, Recreation and Cultural Affairs Committee on June 13, 2019 and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is for the Administration to receive Board approval for additional spending authority of \$750,000 to Contract No. EPPRFQ-00608, *Marketing and Public Relations Services*, for the Department of Cultural Affairs (CA) to receive uninterrupted advertising services to promote its cultural programs and events through the remainder of the contract term. As the contract is currently valued at \$1,000,000, this request, if approved, results in a modified cumulative allocation of \$1,750,000.

OCA performed a review of Contract No. EPRFQ-00608. The contract was established on February 1, 2018 under the County Mayor's delegated authority and expires on January 31, 2021. The contract is used for marketing and public relations services for CA's facilities and programs, such as the South Miami-Dade Cultural Arts Center, Miami-Dade County Auditorium, Joseph Caleb Auditorium, African Heritage Cultural Arts Center and Culture Shock Miami. The services include two groups: (A) Marketing and Advertising Services, which was awarded to Matrix 2 Inc.; and (B) Media and Public Relations Services, which was awarded to Beber Silverstein & Partners Advertising, Inc. Both are local firms.

CA affairs is requesting that the two incumbent companies be awarded the additional expenditure of \$750,000. No information as to the amount of the allocation per firm was provided in Mayor's memo. Note that the Contract Modification Request signed by the Department Director on January 25, 2019 shows a request for an allocation increase of \$2,500,000. CA has not indicated the reasons why the departmental needs for these services were not forecasted last year at contract inception. Additionally, CA has not provided information on whether there will be future contract modifications leading to another increase in expenditures at some point.

As of this date, of the \$1,000,000 allocated contract amount, \$671,051.35 has been used, leaving a balance of \$328,948.65. No information as to allocation of the remaining balance was provided. The funding source under the proposed additional expenditure of the contract is Proprietary Funds.

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F9  
File No. 191401**

**Researcher: MF Reviewer: PGE**

The table below summarizes OCA's due diligence review of both firms on June 11, 2019 and July 1, 2019.

<b>Firm Name</b>	<b>Local/Not Local</b>	<b>Tax Collector</b>	<b>Sunbiz</b>	<b>Westlaw</b>
Beber Silverstein & Partners	Local	Paid <a href="https://miamidade.county-taxes.com/public/business_tax/accounts/1133313">https://miamidade.county-taxes.com/public/business_tax/accounts/1133313</a>	Active; Established in 1998	No open cases
Matrix 2, LLC	Local	Paid <a href="https://miamidade.county-taxes.com/public/business_tax/accounts/731001">https://miamidade.county-taxes.com/public/business_tax/accounts/731001</a>	Active; Established in 1977	No open cases

**ADDITIONAL INFORMATION**

OCA performed an Internet search pertaining to both incumbent companies on June 6, 2019. According to Beber Silverstein's website, among the firm's clients are McDonald's, Carnival, Pollo Tropical, FIU, and FPL. For Matrix 2, Inc., the company's website lists among its clientele: Turnberry Isle Miami, United Homecare, Lely Resort, Margaritaville Resort & Marina Key West, and Intercontinental New Orleans.

**DEPARTMENTAL INPUT**

The following questions were asked to ISD on June 12, 2019:

- As of June 11, 2019 there is a balance of \$328,948.65 in the blanket purchase order, the requested allocation of \$750,000 will convert this total balance back to \$1,078,948.65, what are these funds going to be used for?  
**The original contract for marketing and public relations was issued in January 2018. To date, funds have been used and will continue to be used for marketing, advertising, branding and public relations services for the following venues, performances, educational events, outreach initiatives and programs for the four theaters and audience development programs managed by the Department:**
- Department of Cultural Affairs**
- South Miami-Dade Cultural Arts Center**
- Culture Shock Miami and *Culture Shock Miami Presents Series***
- Miami-Dade County Auditorium**
- African Heritage Cultural Arts Center**
- Joseph Caleb Auditorium**
- All Kids Included**

**These venues/programs require specialized and elaborate services to promote and market their seasons/offerings, address the hundreds of annual performances and events, execute work orders, and produce the wide array of collateral and marketing materials needed during each season.**

- Are the firms conducting the marketing receiving equal work or equal opportunity for the funding?

**Based on the ISD procurement process, one firm, Matrix 2 Advertising, was selected for Marketing services. Pantin/Berber Silverstein was selected for public relations services. Payment to each firm is made based on the scope of services outlined in the original solicitation and the hourly rate established and approved for services in the contract (January 2018).**

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F9**  
**File No. 191401**

**Researcher: MF Reviewer: PGE**

- Do these firms have sub-contractors or is any of the work intended to be subcontracted?

**To date, work has been conducted internally by each firm. Any work within the approved scope of services to be conducted by a Subcontractor will need to be approved ahead of time by the Department of Cultural Affairs.**

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the Code of Miami-Dade County** (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

**Resolution No. R-716-12**, adopted September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

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

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

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

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



**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F10  
File No. 191569**

**Researcher: MF Reviewer: PGE**

RESOLUTION AUTHORIZING EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 2 WITH MIAMI WATERSPORTS COMPLEX WITH CONTRACT NO. RFP803, DEVELOPMENT AND OPERATION OF WATERSPORTS CABLE COMPLEX AT AMELIA EARHART PARK FOR THE MIAMI-DADE PARKS, RECREATION, AND OPEN SPACES DEPARTMENT, WITH AN ESTIMATED REVENUE TO BE GENERATED OF UP TO \$840,000 TO THE COUNTY TO PROVIDE, INSTALL, OPERATE AND MAINTAIN AN AQUAPARK AND BEACH AREA ON THE EASTERN PORTION OF THE LAKE IN AMELIA EARHART PARK AND MODIFY SCOPE OF SERVICES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the execution of a second supplemental agreement through Contract No. RFP809 to provide, install, operate and maintain an Aquapark and beach area at Amelia Earhart Park, with an estimated \$840,000 in revenues to be generated for the County.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Parks, Recreation and Cultural Affairs Committee at its June 13, 2019 meeting.

**ANALYSIS**

The proposed resolution is a modification to the scope of services that was previously approved by the Board. At its October 2, 2012 meeting via Resolution No. R-781-12 for the development and operation of a wakeboard cable complex at Amelia Earhart Park, for an initial term of 20 years with two, five-year options to renew. Since the 2012 contract, the contract was modified through Supplemental Agreement No. 1, which required the licensee to obtain increased insurance coverage. The current request is for Supplemental Agreement No. 2 to provide for the licensee (Miami Wakeboard Cable Complex, LLC dba Miami Watersports Complex) to cover all expenses associated with the installation, operation and maintenance of an Aquapark and beach area along the eastern portion of the lake in Amelia Earhart Park. Said licensee currently operates a cable skiing system and water sports complex at Amelia Earhart Park and can use the lake for boat lessons, tubing, standup paddle boarding, kayaking, and any other special events. The proposed Aquapark will consist of an air inflatable obstacle course positioned and fixed in water and use a combination of bungee, rope, and chain connected to concrete or screw-type anchors for in-water use. ISD indicates the supplemental agreement is necessary to increase the recreational programs offered in the park and increase County revenues.

There is a positive fiscal impact of \$840,000 associated with this project. Under the existing contract, the County receives 8 percent on the first \$1,250,000 of yearly revenues (\$100,000) and 10% on all amounts above \$1,250,000 in annual revenues. The proposed agreement herein will decrease the yearly revenues threshold to \$1,000,000 and maintain the corresponding 8% and 10%, respectively. Under the supplemental agreement, the licensee will coordinate with the Park Foundation of Miami-Dade and offer 1,000, 2-hour cable complex or 2,000, 1-hour Aquapark complimentary passes/experiences per year, for youth groups. The mayor's memo does not provide information on the monetary value associated with the gratis passes/experiences projected to be donated to the Foundation/youth groups.

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**Researcher: MF Reviewer: PGE**

According to the mayor's memo, the period spanning April 2015 (since the contract's inception) through January 2019, the County has benefited financially, having received \$333,092 in revenues, or approximately \$83,273 per year. The supplemental agreement is expected to increase the County's revenue by \$24,000 per year.

OCA conducted a search of the existing contract in BTS. Among the documents on file is the contract between the licensee and the County; however, OCA could not locate documentation pertaining the licensee's proof of insurance coverage (or increased insurance coverage), as noted in the mayor's memo, which was part of a previous contract modification referred to as Supplemental Agreement No. 1.

OCA performed a search of the company and below are the findings. OCA notes that a search for the business on TaxSys shows three closed accounts (as listed below).

Company	Sunbiz.org	Tax Collector	Westlaw
Miami Wakeboard Cable Complex, LLC, dba Miami Watersports Complex; 401 E. 65 Street, Hialeah, FL 33013	Active; Established in 2009	Three accounts listed "Closed." <a href="https://miamidade.county-taxes.com/public/business_tax/accounts/7255694">https://miamidade.county-taxes.com/public/business_tax/accounts/7255694</a> <a href="https://miamidade.county-taxes.com/public/business_tax/accounts/7255695">https://miamidade.county-taxes.com/public/business_tax/accounts/7255695</a> <a href="https://miamidade.county-taxes.com/public/business_tax/accounts/6667779">https://miamidade.county-taxes.com/public/business_tax/accounts/6667779</a>	No open cases

**ADDITIONAL INFORMATION**

In March 2015, Miami Watersports Complex hosted the 2015 Monster Energy WWA Wake Park Triple Crown, an international wakeboarding event at Amelia Earhart Park, one of the County's regional parks.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.1 of the Code of Miami-Dade County (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

**Resolution No. R-716-12**, adopted by the Board on September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

**Resolution No. R-395-12**, adopted by the Board on May 1, 2012, Requires vendors added to open pool contracts to be subject to bi-annual ratification by the Board of County Commissioners.

<http://www.miamidade.gov/govaction/matter.asp?matter=120561&file=true&yearFolder=Y2012>

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F10**  
**File No. 191569**

**Researcher: MF   Reviewer: PGE**

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

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

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

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

**Resolution No. R-781-12**, adopted by the Board on October 2, 2012, authorizes execution of license agreements with Miami Wake Board Cable Complex, dba Miami Watersports Complex to develop and operate a water sports complex at Amelia Earhart Park.

<http://intra/gia/legistarfiles/Matters/Y2012/121720.pdf>

**Resolution No. R-885-18**, adopted by the Board on September 5, 2018, authorizes waiver of formal bid procedures pursuant to section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the code of Miami-Dade County ratifying an emergency contract in the amount of \$424,000.00 for the purchase of body scanners for the Miami-Dade Corrections and Rehabilitation Department.

<http://intra/gia/matter.asp?matter=181541&file=true&yearFolder=Y2018>

**Resolution No. R-886-18**, adopted by the Board on September 5, 2018, authorizes waiver of formal bid procedures pursuant to section 5.03(D) of the Home Rule Charter and Section 2-8.1 of the code of Miami-Dade County ratifying an emergency contract in the amount of \$364,000.00 for the purchase of x-ray equipment and drug detection devices for the Miami-Dade Corrections and Rehabilitation Department.

<http://intra/gia/matter.asp?matter=181533&file=true&yearFolder=Y2018>

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

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

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F11**  
**File No. 191195**

**Researcher: LE    Reviewer: TD**

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$865,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00448 FOR PURCHASE OF DELL HARDWARE, SOFTWARE, CLOUD SOLUTIONS, PROFESSIONAL SERVICES, AND MAINTENANCE AND SUPPORT FOR THE INFORMATION TECHNOLOGY DEPARTMENT DATE

**ISSUE/REQUESTED ACTION**

Whether the Board authorize additional expenditure authority of up to \$865,000.00 for the purchase of Dell hardware, software, cloud solutions, professional services, and maintenance and support for the Information Technology Department.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item was waived to the BCC by the BCC Chairperson due to the cancellation of the June 13, 2019 HCCO meeting.

**ANALYSIS**

The purpose of this item is to authorize \$865,000.00 in additional expenditure authority to *Prequalification Pool No. RTQ-00448, Dell Hardware, Software, Cloud Solutions, Professional Services, and Maintenance and Support* to continue purchasing Dell branded products and services on behalf of multiple County departments.

The pool will have a modified cumulative allocation of \$1,855,000 if the request is approved. The current pool was established on December 22, 2016 and is valued at \$900,000 for a three year term. Additional expenditure authority is needed to fund the purchase of the following: thin client computers, desktop computers, and laptops for Information Technology that was not anticipated originally. Of the requested additional allocation, \$345,000 will be used for countywide thin client and computer needs. The remaining \$520,000 will be used for Miami-Dade Public Library's purchase and replacement of computers for public library locations.

According to the pool's Blanket Purchase Order, of the \$990,000.00 allocated, \$989,251.58 has been released, leaving a balance of \$748.42. With the requested expenditure of \$865,000.00, the pool value will increase to \$1,855,000.

The pool currently has five vendors. The Office of the Commission Auditor (OCA) conducted a review on June 12, 2019 and found that all vendors are active and registered to do business in the State of Florida per Sunbiz.org, the official State of Florida Division of Corporations website. Additionally, Prosys Information Systems, Inc. and SMX Services & Consulting, Inc. have an active account with the Miami-Dade County Tax Collector's office.

The pool term expires on December 31, 2019. Upon the pool term's expiration, a replacement prequalification pool will be established with a five-year term to ensure continued access to Dell products and services.

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the Code of Miami-Dade County** (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and

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**File No. 191195**

**Researcher: LE    Reviewer: TD**

single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIIICOR CH2AD ARTIINGE S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Resolution No. R-187-12**, adopted February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards. <http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

**Resolution No. R-391-17**, adopted April 4, 2017, directs the Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts, to include in any recommendation to the Board for the expansion of term or services under existing contracts a written justification of why a competitive process is not feasible, to include to the maximum extent possible in any proposed expansion of term or services any requirements of Ordinance or Resolutions adopted by the Board subsequent to the initial contract and to report to the Board in the recommendation which requirements were adopted and rejected.

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

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

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F12  
File No. 191355**

**Researcher: MF Reviewer: PGE**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01055 IN A TOTAL AMOUNT UP TO \$2,743,000 FOR THE PURCHASE OF WELL DRILLING SERVICES AND GEOPHYSICAL SURVEYS FOR MULTIPLE COUNTY DEPARTMENTS FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the establishment of Prequalification Pool No. RTQ-01055 for the purchase of well drilling services and geophysical surveys in the amount of \$2,743,000 for a term of five years for various County departments. This is a replacement pool to the original solicitation, which included two groups: 1) Well Drilling Services and 2) Geophysical Studies. The County will not use Group 2, which will be under the purview of the Consultants Competitive Negotiations Act and Section 2-10.4 of the Code.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department (ISD)**

There is no procedural history on this item at this time. The Health Care and County Operations Committee meeting scheduled for June 13, 2019 was cancelled. The item was waived onto the July 10, 2019 BCC agenda.

**ANALYSIS**

The purpose of the resolution is to establish a replacement long-term prequalification pool for the purchase of well drilling services for various county departments. The value of the pool is \$2,743,000 for a five-year term. This replacement pool provides for the purchase of well drilling services along the Biscayne Aquifer and within the County's wetlands, as well as purchasing geophysical surveys for county departments.

The pool has two groups: (1) Well Drilling Services and (2) Geophysical Surveys. To qualify for Group 1, the vendor shall provide the name of a State of Florida licensed geologist who will affix her seal onto her interpretations of lithologic, lithostratigraphic or paleontologic descriptions and any plans prepared. The vendor must also maintain a valid Water Well contractors' license. The scope of work includes, but is not limited to, the installation of permanent monitoring wells of less than 300 feet deep, refurbishment of wells, development of wells, well abandonments, advancement of soil borings and investigation of potential dissolution features. Monitoring wells are used for groundwater quality testing, saltwater intrusion monitoring, measuring water levels, and to abate abandoned wells. This type of monitoring is vital to protecting the county's drinking water supply.

The fiscal impact to the County is \$2,743,000 for a five-year term; however, the proposed pool costs 39% less (or \$1,775,821 less) than the current pool valued at \$4,518,821 for a seven-year and three-month term, which expires August 31, 2019. Of the \$4,518,821.43 allocated to the existing pool, \$3,298,574 has been released, leaving a balance of \$1,220,247.43 as of July 1, 2019. No information as to the projected expenditures for the remaining balance of \$1,220,247.43 prior to the pool's termination on August 31, 2019 was provided in the Mayor's memorandum.



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**Research Notes**

**Item No. 8F12**  
**File No. 191355**

**Researcher: MF Reviewer: PGE**

A Request for Qualifications was issued under full and open competition on January 28, 2019. Eight vendors responded to the solicitation, including one “No Bid.” Three vendors are being recommended for inclusion in the pool, of which two are local vendors.

- A.C. Schultes of Florida, Inc. is a local firm located at 1451 SE 9 Court, Hialeah, FL
- All Webbs Enterprises Inc. is not a local firm.
- Wingerter Laboratories, Inc. is located at 1820 NE 144 Street, North Miami, FL

Pursuant to Resolution No. R-718-17, the County is required to commence planning for re-procurement of contracts and prequalified vendor lists that are set to expire no later than 18 months prior to expiration. OCA found the original pool award for this item was in May 2012 and expired in May 2014. At that time, the pool was re-awarded for a five-year term from May 2014 through May 2019, at which point the existing contract was granted an administrative extension through August 31, 2019. OCA found that re-procurement of the existing contract should have begun in November 2017 (18 months prior to the May 2019 termination) and gone before the BCC in May 2019, and not to the current BCC meeting of July 2019. The mayor’s memo does not account for the delay on re-procurement of this item.

OCA performed a search for commodity codes 96261 (Petroleum Production, Refining, Transmission, and Distribution Services for Oil and Gas Wells); 96296 (Well Services, including Oil, Gas, and Water); 96896 (Well Services, including Oil, Gas and Water); 96893 (Well Pointing Services, Dewatering); and 54596 (Water Well Drilling Equipment) on the Business Management Workforce System’s Certified Vendor Directory on June 5, 2019. Listed below are the local SBEs identified:

- American Testing Materials Engineering LLC, dba ATM Engineering, LLC, Hialeah, FL SBE-G&S
- Barnes Ferland and Associates, Inc., dba BFA Environmental, Miami FL SBE-G&S
- Dunol Construction Management (DCM), LLC, dba Dunol Engineering Corporation, Miami, FL SBE-G&S
- Expert Dewatering Inc., North Miami Beach, FL SBE-G&S
- Placeres Construction, Inc., Miami, FL SBE-G&S
- RJR Construction, Inc., Miami, FL SBE-G&S

According to information from BMWS, the vendors listed above would be able to perform at least some of the necessary services under this pool’s scope of work. The three vendors being recommended for inclusion in the pool are not SBE-GS; however, there is an SBE-GS set-aside.

A search of the recommended firms’ history, found the following:

<b>Firm Name</b>	<b>Local/Not Local</b>	<b>Tax Collector</b>	<b>Sunbiz</b>	<b>Westlaw</b>
A.C. Schultes of Florida, Inc.	Local	No taxes due <a href="https://miamidade.county-taxes.com/public/business_tax/accounts/6387278">https://miamidade.county-taxes.com/public/business_tax/accounts/6387278</a>	Active; Established in 2003	No open cases
All Webbs Enterprises, Inc.	Not Local	No taxes due <a href="https://miamidade.county-taxes.com/public/business_tax/accounts/7180575">https://miamidade.county-taxes.com/public/business_tax/accounts/7180575</a>	Active; Established in 1983	No open cases



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**Researcher: MF Reviewer: PGE**

Wingerter Laboratories, Inc.	Local	No taxes due <a href="https://miamidade.county-taxes.com/public/business_tax/accounts/213538">https://miamidade.county-taxes.com/public/business_tax/accounts/213538</a>	Active; Established in 1949	No open cases
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**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the Code of Miami-Dade County** (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

**Resolution No. R-716-12**, adopted September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

**Resolution No. R-395-12**, adopted May 1, 2012, Requires vendors added to open pool contracts to be subject to bi-annual ratification by the Board of County Commissioners.

<http://www.miamidade.gov/govaction/matter.asp?matter=120561&file=true&yearFolder=Y2012>

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

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

**Resolution No. R-140-15**, adopted February 3, 2015, authorizes replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the county.

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=171632&file=true&fileAnalysis=false&yearFolder=Y2017>

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

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

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F12**  
**File No. 191355**

**Researcher: MF Reviewer: PGE**

**Implementing Order No. 3-38** sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department (ISD); the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

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Research Notes**

**Item No. 8F13  
File No. 191356**

**Researcher: MF Reviewer: PGE**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00895 FOR PURCHASE OF MEDICAL SUPPLIES AND RELATED ITEMS FOR MULTIPLE COUNTY DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$1,953,663 FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize approval of Contract No. FB-00895 for the purchase of medical supplies and related items in the amount of \$1,953,663 for a term of five years for various County departments.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department (ISD)**

There is no procedural history on this item at this time. The Health Care and County Operations Committee meeting scheduled for June 13, 2019 was cancelled. The item was waived onto the July 10, 2019 BCC agenda.

**ANALYSIS**

The purpose of this resolution is to establish a long-term replacement contract for multiple County departments to purchase needed medical supplies and related items to support their operations. The solicitation covers diagnostic, surgical and emergency supplies as well as personal protective equipment and miscellaneous medical items. Award of the contract was made to the lowest-price responsive, responsible bidder on a category by category basis. To be considered for award, the bidder must proffer prices for all items within a category. However, the method of award for Category 44 – Miscellaneous Items – is to the lowest-priced responsive, responsible bidder on a line item basis. The solicitation had two Groups: (1) Non-Federally Funded Purchase, representing Categories 1 to 44; and (2) Federally-Funded Purchases, representing Categories 1 to 10. To be eligible for award, the bidder shall either be the product manufacturer or an authorized distributor or reseller. Sample categories are oxygen delivery/regulators, stethoscope, syringes and needles, pet masks, pediatric equipment, burn care and stretchers. The mayor's memo did not provide information as to how the user departments will purchase from the 27 rejected categories while the re-solicitation is conducted.

The fiscal impact to the County is \$1,953,663 for a five-year term. Fire Rescue is the largest user department, requesting \$1,536,130 for the replacement term. The current contract (Contract No. 8441-0/19) is valued at \$18,081,000 for a five-year and six-month term and expires August 31, 2019. The original expiration date was February 28, 2019; the current August 31, 2019 expiration date reflects a six month administrative extension. The proposed allocation is 90% lower than the current contract because Aviation and PortMiami do not have an allocation on the proposed contract. Vizcaya previously had an allocation but is no longer a County department. Another difference in allocation is also due to the rejection of 50% of the categories. The mayor's memo did not provide information as to how the departments (Aviation and PortMiami) that were removed from this allocation will fulfill their medical item needs moving forward.

OCA performed a review of existing Contract No. 8441-0/19 on June 7, 2019. According to the Bid Tracking System, the existing contract's value stands at \$18,307,000, which is \$1,264,000 less than stated in the mayor's memo. The item was waived onto the July 10, 2019 BCC agenda.

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F13**  
**File No. 191356**

**Researcher: MF Reviewer: PGE**

Of the \$18,307,000 allocated to the current contract shown in BTS, \$7,541,289.76 has been used, leaving a balance of \$10,765,710.24, as of June 7, 2019. No information as to projected expenditure for the remaining balance prior to the contract's termination on August 31, 2019 was provided in the item.

An Invitation to Bid was issued under full and open competition on October 18, 2018. Twenty-three vendors responded to the solicitation and six are recommended for award. Of the six being recommended, two are local vendors and certified Small Business Enterprise firms, and four are incumbent vendors as identified below.

- Bound Tree Medical, LLC is not a local firm. (Incumbent)
- Concordance Healthcare Solutions, LLC is not a local firm
- Henry Schein, Inc. is not a local firm. (Incumbent)
- Hillusa Corporation is a local firm located at 7215 NW 46 Street, Miami, FL (SBE)
- QuadMed, Inc. is not a local firm (Incumbent)
- Steede Medical, LLC is a local firm located at 11433 NW 34 Street, Doral, FL (Incumbent & SBE)

OCA found the prequalification pool bid was advertised October 18, 2018, thereby not following the re-procurement timeline, pursuant to Resolution R718-17. Said resolution requires the mayor to commence planning for re-procurement no later than 18 months prior to the expiration of contracts. The subject bid was introduced 10 months prior to the current contract's expiration of August 31, 2019. Re-procurement activity should have commenced in February 2018 and the replacement award should have travelled to the Board by February 2019.

OCA performed a search for commodity codes 25700 (Medical Supplies); 345 (First Aid and Safety Equipment and Supplies); 34530 (First Aid Blankets, Stretchers, Etc.); 34532 (First Aid Cabinets, Kits and Refills); 34540 (First Aid and Teaching Equipment and Supplies, Charts, Manuals, Posters, Safety Placards, Safety Training Videos); 47090 (Wheeled Stretchers); 475 (Hospital, Surgical and Related Medical Accessories) on the Business Management Workforce System's Certified Vendor Directory on June 5, 2019. Listed below are the 18 local SBEs identified. The mayor's memo did not indicate whether the local certified vendors shown below competed for the solicitation. According to BMWS, the vendors listed below can provide the solicited products.

- A & B Hardware, Inc, dba A & B Hardware-Lumber, Inc., Miami, FL SBE-G&S
- Aaron Industrial Safety, Inc., Hialeah, FL SBE-G&S
- Advanced Care Medical Supplies, Inc., Miami, FL SBE-G&S
- Carily of Miami Uniforms, Inc., Miami, FL SBE-G&S
- Dan Enterprises Team, LLC, Miami, FL SBE-G&S
- District Healthcare & Janitorial Supply, Incorporated, dba District Healthcare, Medley, FL SBE-G&S
- Genard & Associates, LLC, Miami, FL SBE-G&S
- Green-Energy-Products.com, LLC, Pinecrest, FL SBE-G&S
- Inversiones IGMCMC, LLC, dba IGMCMC Medical Technology Group, Miami, FL SBE-G&S
- Miami Partners, LLC, Miami, FL SBE-G&S
- Palmetto Uniforms Inc., Miami, FL SBE-G&S
- Pancar Industrial Supply Corporation, Miami, FL SBE-G&S
- Safety Source International, Inc., Miami, FL SBE-G&S
- The Tool Place Corp., Miami, FL SBE-G&S
- The Tools Man, Inc., dba The Tools Man Industry Supply, Miami, FL SBE-G&S
- Total Connection, Inc., Miami, FL SBE-G&S

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F13**  
**File No. 191356**

**Researcher: MF Reviewer: PGE**

A search of the recommended firms' history, found the following:

<b>Firm Name</b>	<b>Local/Not Local</b>	<b>Tax Collector</b>	<b>Sunbiz</b>	<b>Westlaw</b>
Bound Tree Medical, LLC	Not Local	N/A	Active; Established in 2001	No open cases
Concordance Healthcare Solutions, LLC	Not Local	N/A	Active; Established in 2017	No open cases
Henry Schein, Inc.	Not Local	\$56.25 due by Sept. 30, 2019 (as of June 10, 2019) <a href="https://miamidade.county-taxes.com/public/business_tax/accounts/7268866">https://miamidade.county-taxes.com/public/business_tax/accounts/7268866</a>	Active; Established in 1994	No open cases
Hillusa Corporation	Local	\$223.75 due by Sept. 30, 2019 (as of June 10, 2019) <a href="https://miamidade.county-taxes.com/public/business_tax/accounts/6632625">https://miamidade.county-taxes.com/public/business_tax/accounts/6632625</a>	Active; Established in 1983	No open cases
QuadMed, Inc.	Not Local	N/A	Active; Established in 1992	No open cases
Steede Medical, LLC	Local	Paid <a href="https://miamidade.county-taxes.com/public/business_tax/accounts/6426407">https://miamidade.county-taxes.com/public/business_tax/accounts/6426407</a>	Active; Established in 2004	No open cases

**DEPARTMENTAL INPUT**

The following question was submitted to ISD on June 11, 2019. As of today's date of publication, OCA has not received a response. (Note: As of July 2, 2019 the remaining balance in the blanket purchase order had slightly decreased to \$10,642,784.81, according to BTS).

- How will the remaining balance of \$10,752,947.24 in the blanket purchase order be reconciled with the funds related to the proposed contract of \$1,953,663?

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the Code of Miami-Dade County** (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F13**  
**File No. 191356**

**Researcher: MF Reviewer: PGE**

**Implementing Order No. 2-13** adopted by Board on October 14, 2011, authorizes the County Mayor or designee to issue a written request for a Responsiveness Opinion when an issue of responsiveness is identified in response to a solicitation that will affect the ultimate award of the solicitation. Requires responsiveness opinions to be presented to the Board with agenda item.

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

**Resolution No. R-716-12**, adopted by the Board on September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

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

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

**Resolution No. R-140-15**, adopted by the Board on February 3, 2015, authorizes replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the county.

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

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

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=171632&file=true&fileAnalysis=false&yearFolder=Y2017>

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

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

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

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F14  
File No. 191375**

**Researcher: MF Reviewer: PGE**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$195,000 FOR CONTRACT NO. FB-00289 (GROUP 1) AND AN AMOUNT UP TO \$190,000 FOR PREQUALIFICATION POOL NO. FB-00289 (GROUP 2) FOR THE PURCHASE OF BOILER AND WATER HEATERS MAINTENANCE, REPAIRS AND INSTALLATION

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize additional expenditure authority of \$195,000 to Contract No. FB-00289 (Group 1) and an amount of up to \$190,000 for Prequalification Pool No. FB-00289 (Group 2) for the purchase of boiler and water heaters maintenance, repairs and installation services for multiple County departments.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department (ISD)**

There is no procedural history on this item at this time. The Health Care and County Operations Committee meeting scheduled for June 13, 2019 was cancelled. The item was waived onto the July 10, 2019 BCC agenda.

**ANALYSIS**

The purpose of this resolution is for the Administration to obtain Board approval to authorize increased spending under Contract No. FB-00289, which has two groups. The contract is used for boiler and water heaters maintenance, repairs and installation services. Under Group 1, the Corrections and Rehabilitation Department (MDCR) is requesting \$195,000, and under Group 2, a prequalification pool, the Public Housing and Community Development Department (PHCD) is requesting \$190,000. The combined requests for both departments total \$385,000.

This contract, which was established under the County Mayor's delegated authority, became effective on April 1, 2016 and expires on March 31, 2021. The contract has a value of \$835,000 (i.e., original award value of \$347,000 plus modifications totaling \$488,000). The contract's two groups are: (1) Maintenance and Repair of Boilers and Water Heaters; and (2) Prequalification of bidders for the purchase, replacement, installation and removal of boilers and water heaters. MDCR has over 20 boilers and water heaters installed across its facilities, providing hot water to the properties. PHCD uses Group 2 to service the more than 20 water heaters located across its facilities. The awarded vendor is South Florida Boiler and Gas Services, Inc.

The fiscal impact to the County for this modification \$385,000, i.e., \$195,000 for MDCR and \$190,000 for PHCD. If the additional expenditure is approved, the contract's value would increase to \$1,220,000 or 46%. OCA reviewed the Bid Tracking System (BTS) on July 1, 2019 and found that of the \$835,000 allocation to the contract's Blanket Purchase Order, \$691,627.63 has been released, leaving a balance of \$143,372.37.

PHCD is requesting \$190,000 to procure maintenance and repair services to boilers and water heaters for several of its developments. The funds will ensure uninterrupted purchases through the expiration of the contract. The proposed request for additional funding is an unforeseen expenditure due to unanticipated tariffs on steel, which have raised the cost of boilers and water heaters by up to 20%, thus impacting the original budget forecasted. There have also been necessary emergency repairs at multiple facilities, leading to PHCD's current request for the additional expenditure.



**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F14  
File No. 191375**

**Researcher: MF Reviewer: PGE**

MDCR requires increased spending of \$195,000 to cover costs for the remainder of the contract period. The funds will be used for preventive maintenance and emergency repairs of boilers at all correctional facilities. The boilers provide steam for the kitchens and hot water for the buildings.

OCA performed a search for commodity code 93675 (Stockman Equipment and Tools Maintenance and Repair) on the Business Management Workforce System's Certified Vendor Directory on June 6, 2019 and no local SBE's were identified.

OCA performed a review on June 6, 2019 of the "Bidder Minimum Requirements" document submitted by incumbent bidder, South Florida Boiler and Gas Services, Inc., and found the following:

A search of the recommended firm's history, found the following:

<b>Firm Name</b>	<b>Local/Not Local</b>	<b>Tax Collector</b>	<b>Sunbiz</b>	<b>Westlaw</b>
South Florida Boiler and Gas Services, Inc.	Local	Paid	Active; Established in 1998	No open cases

**DEPARTMENTAL INPUT:**

The following question was submitted to ISD on June 11, 2019. As of the publication date for these Research Notes, ISD has not responded.

- According to the information, OCA seeks clarification on the bidder's subcontractor stamp certification for repairs or alternation of boilers and pressure vessels issued by The National Board of Boiler and Pressure Vessel Inspectors. The data sheet shows said certification expired February 22, 2017.

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the Code of Miami-Dade County** (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

**Resolution No. R-716-12**, adopted by the Board on September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

**Resolution No. R-395-12**, adopted by the Board on May 1, 2012, Requires vendors added to open pool contracts to be subject to bi-annual ratification by the Board of County Commissioners.

<http://www.miamidade.gov/govaction/matter.asp?matter=120561&file=true&yearFolder=Y2012>

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

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

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F14**  
**File No. 191375**

**Researcher: MF Reviewer: PGE**

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

<http://www.miamidade.gov/govaction/matter.asp?matter=171632&file=true&fileAnalysis=false&yearFolder=Y2017>

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

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

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

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F15  
File No. 191385**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$55,000.00 FOR A MODIFIED TOTAL CONTRACT AWARD OF \$303,500.00 FOR THE ONE, TWO-YEAR OPTION TO RENEW TERM OF LEGACY PURCHASE CONTRACT NO. L7514-1/20-1 FOR THE PURCHASE OF KOVA RECORDING SYSTEM MAINTENANCE AND REPAIR SERVICE FOR THE INFORMATION TECHNOLOGY DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$55,000.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize additional expenditure authority in the amount of \$55,000 for the option to renew period of the *Kova Recording System Maintenance and Repair Service* legacy contract for the Information Technology Department (ITD) on behalf of the Miami-Dade Fire Rescue Department (MDFR).

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

This item was forwarded to the BCC by the BCC Chairperson due to cancellation of the June 13, 2019 Health Care and County Operations Committee.

**ANALYSIS**

The purpose of this item is to authorize additional expenditure authority for a legacy contract that is currently in its option to renew period, *Contract No. L7514-1/20-1, Kova Recording System Maintenance and Repair Service*, in order to allow ITD to purchase an additional year of maintenance and support services for the use of the Verint Audiolog Recording System. This recording system, which offers call recording, playback and archiving technology for all of MDRF's radio and telephone communications, was originally purchased from Motorola Solutions, Inc. in 2012. Maintenance and support services for this technology were procured using the Mayor's delegated authority in 2015 through *Contract No. L7514-1/20* for a three-year term with one, two-year option to renew term.

The awarded vendor for this contract, Kova Corp., was at the time of award the only authorized reseller that was certified to provide maintenance and support services for Verint technology in South Florida. This has since changed as revealed by a Request for Information conducted prior to exercising the one, two-year option to renew for this contract which showed that one other vendor has become authorized to provide these services. While a solicitation will be advertised, additional funds are needed for the remainder of the OTR period to continue Verint maintenance and support services.

The contract has a current cumulative allocation of \$248,500, including \$193,500 for the original contract and \$55,000 for the OTR. An additional \$55,000 in expenditure authority is now being requested, bringing the cumulative allocation to \$303,500. According to the contract's Blanket Purchase Order, the entire \$55,000 has been released leaving a \$0 balance, necessitating the increase to fund the OTR period, which expires on August 31, 2020.

The original contract included a payment schedule which forecasted the need for an additional \$55,000 in year 5 of the contract (year 2 of the OTR period). It is unclear from the item why only \$55,000 rather than \$110,000 was requested when the OTR was exercised. See the contract provision below.

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F15  
File No. 191385**

**Researcher: JFP Reviewer: TD**

**MAINTENANCE AND SUPPORT SERVICES**

**Software/Hardware Maintenance Fees**

Description	Maintenance Term	Fees
Audiolog Recording Equipment Maintenance and Support Services	Year 1	\$83,480
Audiolog Recording Equipment Maintenance and Support Services	Year 2	\$55,000
Audiolog Recording Equipment Maintenance and Support Services	Year 3	\$55,000
	<b>INITIAL 3-YEAR TERM TOTAL</b>	<b>\$193,480.00</b>

**Ongoing Software/Hardware Maintenance Service Fees**

Description	Maintenance Term	Fees
Audiolog Recording Equipment Maintenance and Support Services	Year 4 – OTR	\$55,000
Audiolog Recording Equipment Maintenance and Support Services	Year 5 – OTR	\$55,000
	<b>2-YEAR OTR TOTAL</b>	<b>\$110,000</b>
	<b>TOTAL CONTRACT VALUE</b>	<b>\$303,480</b>

The following services are included in the scope of the contract:

- All software enhancement updates, which would improve the recorder functionality
- Permanent program fixes as applicable
- System and User Documentation update service
- Use of the KOVA Support/Help Facility for technical and operation assistance which can be accessed 24 hours a day.
- Critical maintenance for those authorized uses that designate their system operation as critical to operations or public safety
- Routine maintenance twice a month (not less than 8 hours per visit).

Kova Corp. is not listed in Sunbiz.org, the State's official Division of Corporations website, as registered to do business in Florida. Its principal address is 102 E Bay Ave, Suite J, Manahawkin, NJ.

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F15  
File No. 191385**

**Researcher: JFP Reviewer: TD**

**DEPARTMENTAL INPUT**

OCA posed the following question to the Internal Services Department (response in italics):

What is the name of the other vendor that is certified to provide maintenance and support services for Verint technology in South Florida as identified by ISD's Request for Information conducted prior to exercising the one, two-year option to renew for this contract? What is the vendor's address?

*In addition to Kova Corporation, the following vendor has been identified as a certified and interested provider:*

*Replay Systems, Inc.*

*6555 NW 9<sup>th</sup> Ave., Suite 105*

*Fort Lauderdale, FL 33309*

**ADDITIONAL INFORMATION**

**Kova Corp.**

KOVA Corp provides enterprise workforce optimization solutions powered by Verint Systems.

<https://www.kovacorp.com/>

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the Code of Miami-Dade County** (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

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

**Resolution No. R-836-10**, adopted July 20, 2010, authorized waiver of formal bid procedures for a non-competitive contract modification for BW7514-15/24-2: 450 MHZ Radio Upgrade Project, in the amount of \$9,621,000.

<http://intra/gia/matter.asp?matter=101515&file=true&yearFolder=Y2010>

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

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

**Resolution No. R-391-17**, adopted April 4, 2017, directs the Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts, to include in any recommendation to the Board for the expansion of term or services under existing contracts a written justification of why a competitive process is not feasible, to include to the maximum extent possible in any proposed expansion of term or services any requirements of Ordinance or Resolutions adopted by the Board subsequent to the initial contract and to report to the Board in the recommendation which requirements were adopted and rejected.

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F15  
File No. 191385**

**Researcher: JFP Reviewer: TD**

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

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

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

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F16  
File No. 191386**

**Researcher: PGE   Reviewer: TD**

RESOLUTION AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE FIVE-YEAR OPTION TO RENEW PERIOD FOR LEGACY PURCHASE CONTRACT NO. L7217-1/24, VEGASOFT SOFTWARE MAINTENANCE AND SUPPORT, IN AN AMOUNT NOT TO EXCEED \$271,500.00 FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the County Mayor to exercise the five-year option to renew period for legacy purchase *Contract No. L7217-1/24*, Vegasoft Software Maintenance and Support, in the amount of up to \$271,500 for the Information Technology Department (ITD).

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services**

This item was placed on the June 13, 2019 agenda of the Health Care and County Operations Committee meeting, which was cancelled. The item has been waived onto the July 10, 2019 BCC agenda.

**ANALYSIS**

The purpose of this item is for the Administration to obtain Board approval to exercise the five-year option to renew under legacy purchase *Contract No. L7217-1/24*, Vegasoft Software Maintenance and Support. Board approval is required as the value of the renewal period - \$271,500 - exceeds the County Mayor's delegated authority of up to \$250,000 for non-competitive purchases. Approval of this item secures ITD's continued receipt of maintenance and support services from Vegasoft Oy, which is critical to the operation of various mainframe applications.

The contract was approved for \$213,000 under delegated authority on September 12, 2014 for a five-year term, effective from November 1, 2014 through October 31, 2019. On July 2, 2019, the Bid Tracking System (BTS) shows that of the \$213,000 allocated to this contract, the entire allocation has been released, leaving a \$0 balance. The value of the requested option term is \$271,500, bringing the total cumulative contract value to \$484,500. The Administration was unable to reduce the value of the option term as the contractor was unwilling to reduce the pricing established at the contract's September 12, 2014 inception. The fees for the option term cover the annual cost of software (VG-IDMS Gateway TCP/IP Option and VG-IDMS Webserver).

Under the Vegasoft Software License and Maintenance Agreement, Vegasoft Oy provides support such as code corrections, updates and advice. The contract ensures that ITD receives internet access to data stored in the Integrated Database Management System (IDMS), enabling information from the IDMS to be accessed over the internet; such information includes data from the Building and Zoning, Criminal Justice and Parking Violation systems. It is important to mention that much of this data is of interest to citizens and is accessible on the internet. ITD argues that it could not support the various systems supported on the mainframe without the software and support services from Vegasoft.



**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F16  
File No. 191386**

**Researcher: PGE   Reviewer: TD**

While there are other webserver software providers, none of them meet ITD's requirements. ITD performed a product comparison which concluded that Vegasoft is the only software that provides the ability to use native IDMS ADSO (Application Development System Online) code for communication between the IDMS data and the distributed environment. There are currently 498 programs coded with the Vegasoft software. ITD estimated that the cost to convert 498 programs to a new software tool, based on the Budget Manual rate for a Technical Support Analyst of \$134 per hour, is \$10,677,120.

While this item sets forth the case for the need to continue purchasing software maintenance and associated support services from Vegasoft Oy, the mayoral memorandum is silent on ITD's long-term plan to reduce the future need of a legacy purchase, i.e., an additional non-competitive service agreement from the contractor following expiration of the option term. Furthermore, the mayoral memorandum is silent on the interplay between this software and the County's expansive ERP implementation.

Resolution No. R-1433-06, adopted by the Board on December 19, 2006, directed the County Mayor to develop an administrative process for review of all contracts for procurement of goods and services for opportunities for small business enterprise participation prior to exercising the options to renew. The Commodity Code found in BTS for this contract is 92045 (Software Maintenance and Support Services). Seven local small business vendors were found under that code in the Business Management Workforce System on July 2, 2019. It is unclear from this item whether the Administration explored whether these businesses or other local businesses could participate, on some level, in the delivery of the contracted services.

**APPLICABLE LEGISLATION/POLICY**

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

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

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

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

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

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

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F16**  
**File No. 191386**

**Researcher: PGE   Reviewer: TD**

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

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

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

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

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

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

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

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

**Resolution No. R-98-12**, adopted on January 24, 2012, directed the County Mayor to negotiate better prices on all awarded contracts for the purchase of goods and services and prior to the exercise of any options to renew.

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

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

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

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

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F17  
File No. 191396**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-01174 IN A TOTAL AMOUNT UP TO \$6,250,000.00 FOR THE PURCHASE OF HARRIS RADIO COMPONENTS, BATTERY PACKS, AND SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the establishment of *Prequalification Pool RTQ-01174, Harris Radio Components, Battery Packs, and Services* for the Information Technology Department (ITD) in an amount not to exceed \$6,250,000 for a term of five years.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The item was forwarded to the BCC by the BCC Chairperson due to cancellation of the June 13, 2019 Health Care and County Operations Committee.

**ANALYSIS**

The purpose of this item is to establish *Prequalification Pool RTQ-01174* for the Information Technology Department to provide products and services to support the County's 800 MHz radio Communication System, i.e., land mobile radio communications. The total allocation for the five-year period is \$6,250,000. ITD will utilize the pool on behalf of and to support various County departments.

The pool includes three groups:

Group 1: Harris Radio Parts and Components (e.g., antenna, chargers, mounts, capacitor, microphones, etc.)

Group 2: Harris Battery Packs

Group 3: Harris Calibration, Repair and Technical Support Services

A Request to Qualify was issued and advertised, with notification to 2,363 vendors and four vendors responding. Of the four respondents, three are being recommended for inclusion in the pool.

Vendor	Group(s)	Local Address	Sunbiz Status
Cooper General Corporation	1, 2, and 3	1785 NW 79 <sup>th</sup> Avenue, Miami, FL	Active
Global Technology Systems, Inc.	1 and 2	None	Active
Harris Corporation	Groups 1, 2, and 3	7508 NW 54 <sup>th</sup> Street, Miami, FL	Active

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F17  
File No. 191396**

**Researcher: JFP Reviewer: TD**

Revised qualification criteria was utilized for the new pool to streamline the prequalification process. All three vendors are incumbents under the current pool (No. 6640-8/18), which was comprised of five vendors. Two of the three vendors being recommended for inclusion in the pool (66%) are local, which is lower than the 75 percent threshold required by Resolution No. R-477-18. The pool will remain open and outreach will continue as vendors may be added at any time.

The fourth respondent, Impact Power Technologies, LLC, was not recommended for inclusion in the pool because it did not provide documentation to satisfy the prequalification criteria, but may be added to the pool upon submission of the required documentation. Impact Power Technologies, LLC is not a local vendor. Therefore, the percentage of local vendors in the pool will lower to 50% if included.

The current pool, valued at \$16,675,333 for a term of two years with eight one-year option to renew terms, expires on August 18, 2019. The annual allocation under this replacement pool is lower than that of the previous pool due to lesser anticipated needs. As of July 5, 2019, the current renewal term's Blanket Purchase Order reports a released amount of \$685,827.49 of the OTR's \$1,000,000 allocation amount, leaving a balance of \$314,172.51.

A July 5, 2019 Business Management Workforce System search for the solicitation's commodity code, 72559 - Telecommunication Parts and Accessories (Not Otherwise Classified), yielded the following certified local small business enterprises:

- B & R Electronics Supply, Inc.
- Grupo Inpower, LLC, dba Inpower

**DEPARTMENTAL INPUT**

The following questions were sent to the Internal Services Department (responses in italics):

- What were the requirements that changed in the new solicitation as a result of research conducted pursuant to R-140-15?  
*Group 1: (a) The new pool no longer requires vendors to submit documentation from the manufacturer that shows that they are authorized to provide the products required under the Group. This was changed because the manufacturer does not require authorization in order to sell Harris radio parts and components, so this allowed for additional competition.*  
*Group 2: No changes to requirements*  
*Group 3: Vendors are no longer required to supply hourly rates for technicians, engineers, and support staff. These prices will be requested on an as needed basis via the spot market competition.*
- What outreach, if any, was made to the SBE firms identified by OCA for the pertinent commodity code, 72559 - Telecommunication Parts and Accessories (Not Otherwise Classified)?  
*These vendors are included in the commodity code, however, a review of the vendors' websites was conducted and there was no indication that these vendors provide parts or services for the County's Harris radio system. Staff has sent an email inquiry to confirm. Should the vendors indicate interest, a prequalification packet will be provided.*

**BCC Meeting: July 10, 2019**

**Research Notes**

**Item No. 8F17**  
**File No. 191396**

**Researcher: JFP Reviewer: TD**

**APPLICABLE LEGISLATION/POLICY**

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

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

**Resolution No. R-191-09**, adopted March 3, 2009, established the current pool, 6640-8/18, for a two-year term with eight one-year option to renew terms in an amount not to exceed \$13,000,000.

<http://intra/gia/matter.asp?matter=090204&file=true&yearFolder=Y2009>

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

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

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

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

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

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

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

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

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

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

**Implementing Order 3-38** sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F18  
File No. 191400**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01140 GROUPS 1 THROUGH 4 FOR THE PURCHASE OF TIRE PURCHASES AND RELATED SERVICES, AND ESTABLISHING AN OPEN PREQUALIFICATION POOL FOR GROUP NO. 5 OF CONTRACT NO. FB-01140 FOR THE PURCHASE OF ADDITIONAL TIRES AND/OR TIRE RELATED SERVICES NOT DEFINED WITHIN GROUP NO. 1 THROUGH GROUP NO. 4 FOR MULTIPLE DEPARTMENTS FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$27,409,562.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF AWARD FOR GROUPS 1 THROUGH 4, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING FOR GROUP NO. 5, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

**ISSUE/REQUESTED ACTION**

Whether the Board should 1) award *Contract No. FB-01140, Tire Purchases and Related Services*, Groups 1 through 4 and 2) establish an open prequalification pool for this contract's Group No. 5 for the purchase of additional tires and/or tire related services not defined within Groups 1 through 4 for multiple County departments in an amount up to \$27,409,562 for a term of five years.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The item was forwarded to the BCC by the BCC Chairperson due to cancellation of the June 13, 2019 Health Care and County Operations Committee.

**ANALYSIS**

The purpose of this item is to consolidate five current contracts into *Contract No. FB-01140*, consisting of five groups: Groups 1 through 4 are competitive contract awards, and Group 5 is a prequalification pool for tire purchases and related service, in effect streamlining the management and procurement of these related goods and services.

The pools five groups are divided as follows:

Group 1: New Tire Purchases

Group 2: Flat Tire Repairs

Group 3: Tire Retreading

Group 4: Solid Fill

Group 5: Prequalification Pool for the purchase of additional tires and/or tire related services not defined within Groups 1 through 4

Of the five contracts this replacement contract is consolidating, two are accessed from other governmental entities and one is expired—the end of its 18-month term was on May 28, 2019—with two others expiring on October 31, 2019. These contracts have a cumulative allocation of \$39,752,073 while the cumulative allocation of the replacement



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**Research Notes**

**Item No. 8F18**  
**File No. 191400**

**Researcher: JFP Reviewer: TD**

contract is \$27,409,562 for its five-year term. The lower cumulative allocation for the replacement contract is based on the departments' projected usage and anticipated savings from the consolidation of the contracts, as the County anticipates being able to obtain volume purchasing discounts. The contract will be utilized by the following departments with the following allocations: Internal Services (\$21,000,000); Water and Sewer (\$3,137,219); Fire Rescue (\$1,400,000); Aviation (\$1,062,500); Parks, Recreation, and Open Spaces (\$442,843); and Transportation and Public Works (\$367,000).

The Invitation to Bid was issued and advertised, with notification to 2,641 vendors and eight vendors responding. The awards to these eight local vendors, with two being certified Small Business Enterprises, were as follows:

<b>Vendor</b>	<b>Group(s) Awarded</b>	<b>Local Address*</b>	<b>Sunbiz Status</b>
Balado National Tires, Inc.	1, 2, and 5	1633 NW 27 Avenue, Miami, FL	Active
Dan Callaghan Enterprises, Inc., dba Callaghan Tire	1, 2, 3, 4, and 5	3600 NW 54 Street, Miami, FL	Active
Central Tire Corp.	1, 2, 3, 4, and 5	8275 NW 74 Street, Miami, FL	Active
Conlan Tire Co., LLC	1, 2, 3, 4, and 5	2005 NW 110 Avenue, Miami, FL	Active
Fedan Corp., dba Fedal Tire Co.	3, 4, and 5	2280 W 1 Avenue, Hialeah, FL	Active
KM Pedersen Enterprises, Inc., dba Homestead Tire and Auto (SBE)	1 and 5	406 Washington Avenue, Homestead, FL	Active
Pelar Trading Corporation (SBE)	2 and 5	581 E 33 Street, Hialeah, FL	Active
Tiresoles of Broward, Inc., dba Miami Tiresoles	1, 2, 3, 4, and 5	7800 NW 103 Street, Hialeah Gardens, FL	Active

\*All local addresses were verified on Sunbiz.org, the State's official Division of Corporations website, as well as with the Tax Collector's Office.

Six of the eight vendors are incumbents under the current contracts.

- Dan Callaghan Enterprises, Inc., dba Callaghan Tire
- Central Tire Corp
- Fedan Corp., dba Fedal Tire Co.
- KM Pedersen Enterprises, Inc., dba Homestead Tire and Auto (SBE)
- Pelar Trading Corporation (SBE)
- Tiresoles of Broward, Inc., dba Miami Tiresoles

A July 2, 2019 Business Management Workforce System search under the pertinent commodity codes yielded the following certified local small business enterprises, two of which received awards under this solicitation (denoted with an asterisk):

- KM Pedersen Enterprises, Inc., dba Homestead Tire And Auto Service Center\*



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**Researcher: JFP Reviewer: TD**

- Pelar Trading Corporaton\*
- Centerline Services LLC
- Macro Enterprises, LLC
- Presidential Builders, Inc.
- The Tools Man, Inc., dba The Tools Man Industry Supply

**APPLICABLE LEGISLATION/POLICY**

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

[https://library.municode.com/fl/miami-dade-county/codes/code of ordinances?nodeId=PTIIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade-county/codes/code%20of%20ordinances?nodeId=PTIIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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

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

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

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

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

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

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

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

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

**Implementing Order 3-38** sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F19  
File No. 191405**

**Researcher: PGE   Reviewer: TD**

RESOLUTION AUTHORIZING ADDITIONAL TIME AND EXPENDITURE AUTHORITY AND AUTHORIZES THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE TWO-YEAR OPTION TO RENEW TERM FOR A TOTAL AMOUNT NOT TO EXCEED \$39,179,758.00 FOR U.S. COMMUNITIES CONTRACT NO. 2000001701 FOR THE PURCHASE OF TECHNOLOGY PRODUCTS, SERVICES, SOLUTIONS AND RELATED PRODUCTS AND SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT ON BEHALF OF ALL COUNTY DEPARTMENTS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLTATION PROVISION, PURSUANT TO COUNTY CODE SECTION 2-8.1 AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should approve authorizing the Administration to re-access U.S. Communities Contract No. 2000001701 for the two-year option term in an amount of up to \$39,179,758 for the purchase of technology products, services, solutions and related products and services for the Information Technology Department (ITD).

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services**

This item was placed on the June 13, 2019 agenda of the Health Care and County Operations Committee meeting, which was cancelled. The item has been waived onto the July 10, 2019 BCC agenda.

**ANALYSIS**

The purpose of this item is to grant the Administration authority to exercise the two-year option to renew under U.S. Communities Contract No. 2000001701, a competitively-awarded contract that the County previously accessed for the purchase of technology products, services, solutions and related products and services. The current contract, which was valued at \$23,280,000, expired on April 30, 2019. The value of this requested option term is \$39,179,758, resulting in a cumulative contract allocation of \$62,459,758.

Resolution No. R-349-17, adopted by the Board on April 4, 2017, authorized access of this U.S. Communities Fairfax County Contract for a term through April 30, 2019 in the amount of \$19,400,000. The resolution required all options to renew to be presented to the Board for approval prior to exercising them. The current \$23,280,000 value of the term reflects a modification approved under the County Mayor's delegated authority in the amount of \$3,880,000. Note that there is no information in the mayoral memorandum speaking to the status of projects supported by the current \$23,280,000 allocation.

Information found in the Bid Tracking System (BTS) on July 2, 2019 shows that of the \$23,276,240 allocated to the current contract's Blanket Purchase Order (BPO), \$21,042,736.08 has been released, leaving a balance of \$2,233,503.92. According to documentation found in BTS, that balance, upon approval of the requested option term, will no longer be available, and a new BPO will be issued.

The mayoral memorandum indicates that the requested \$39,179,758 allocation for the option term will be used as follows:

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Research Notes**

**Item No. 8F19  
File No. 191405**

**Researcher: PGE   Reviewer: TD**

- \$20,000,000 for Police Department projects;
- \$8,000,000 for Aviation projects;
- \$4,000,000 for ITD for security camera projects for various departments; and
- \$7,000,000 for identified countywide technology needs.

There is \$179,758 that is unaccounted for once the allocations set forth above are subtracted from the requested \$39,179,758 for the option term. It is important to mention that those allocations do not align with the allocations found on ITD's Countywide Allocation Justification Worksheet. The worksheet sets forth the following departmental requests:

- \$1,325,000 for Water and Sewer Department projects (e.g., installation of conference room audio visual equipment and replacement of server infrastructure);
- \$3,289,000 for Public Housing and Community Development camera assessment and repair projects for multiple housing sites;
- \$2,000,000 for Aviation for a license plate recognition project; and
- \$4,100,000 for PortMiami projects (e.g., new technology for the gate system and additional security surveillance cameras).

Those allocations, which were approved by the respective departments, total \$10,714,000. OCA found a worksheet titled Replacement of Contract with Non-Competitive Contract in BTS. The data on that sheet is consistent with the departmental allocations totaling \$10,714,000. However, the worksheet shows an allocation of \$1,150,000 for ITD for security camera replacement and repair projects. Accordingly, the allocations supported by the documentation found by OCA totals \$11,864,000.

ITD has relied on contracts established by US Communities since calendar year 2001 to support its vast technology requirements. This contract permits the County to purchase hardware, software and associated services from multiple manufacturers and service providers through a competitively-established discount structure. The providers offer products and services from various vendors including Google, Amazon and Apple. There are four awarded vendors: (1) Unicom Government, Inc.; (2) DLT Solutions, LLC; (3) Insight Public Sector, Inc.; and (4) Carahsoft Technology Corporation.

The Commodity Code for this procurement found in BTS is 205, *Computer Hardware and Peripherals for Microcomputers, Environmentally Certified by an Agency Accepted Certification Entity*. A search under this code was conducted on the Business Management Workforce System on July 2, 2019 and yielded 11 certified SBE-G&S firms. It is unclear from the mayoral memorandum whether the Administration explored opportunities for these certified local firms to participate in any capacity on this contract.

Market Research performed by the Administration concluded that although other firms offer these types of products and services, the U.S. Communities contract offers the lowest pricing available, meaning that the County will always get the lowest pricing for any product or service sold. The awarded vendors are capable of delivering a wide range of products and services that meet ITD's diverse needs. Thus, continued access of the Fairfax County contract will enable ITD to manage its technology projects in a timely and efficient manner while obtaining the most competitive pricing.

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F19  
File No. 191405**

**Researcher: PGE   Reviewer: TD**

**APPLICABLE LEGISLATION/POLICY**

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

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

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

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

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

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

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

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

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

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

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

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

**Resolution No. R-841-06**, adopted July 6, 2006, changed the deadline to seek approval for award of successor contracts or extensions of existing contracts from 60 to 30 days prior to expiration.

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

**Resolution No. R-98-12**, adopted on January 24, 2012, directed the County Mayor to negotiate better prices on all awarded contracts for the purchase of goods and services and prior to the exercise of any options to renew.

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

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F19  
File No. 191405**

**Researcher: PGE   Reviewer: TD**

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

**Resolution No. R-349-17**, adopted April 4, 2017, authorized access of a competitively procured and awarded U.S. Communities Fairfax County Contract No. RFP2000001701 for a term through April 30, 2019 in the amount of \$19,400,000 for the purchase of technology products, services, solutions and related products and services for the Information Technology Department. The resolution required all options to renew to be presented to the Board for approval prior to exercising them.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2017/170009min.pdf>

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

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F20  
File No. 191408**

**Researcher: TD Reviewer: YM**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00950 IN A TOTAL AMOUNT UP TO \$166,000,000.00 FOR THE PURCHASE OF TEMPORARY DEBRIS STAGING, REDUCTION, HAULING, AND DISPOSAL SERVICES FOR THE SOLID WASTE DEPARTMENT FOR A FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the establishment of Prequalification Pool RTQ-00950 in an amount up to \$166,000,000.00 for the purchase of temporary debris staging, reduction, hauling and disposal services for the Solid Waste Department (Department) for a period of five years.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: None**

The item was waived to the BCC by the BCC Chairperson due to cancellation of the June 13, 2019 Health Care and County Operations Committee.

**ANALYSIS**

The purpose of this item is to consolidate two current pre-qualification pools into one more streamlined pre-qualification pool. During Hurricane Irma cleanup, the Department experienced difficulty identifying which vendors were accountable for temporary debris staging and which were responsible for hauling and disposal services. Pre-Qualification Pool RTQ-00950, Temporary Debris Staging, Reduction, Hauling and Disposal Services combines Prequalification Pool, 9780-0118, Temporary Debris Staging & Reduction Sites and Prequalification Pool, 9360-1123, Hauling & Disposal of Emergency Debris services. The scope of this item is countywide.

This solicitation intends to prequalify vendors capable of providing temporary debris staging, reduction, hauling, and disposal services for debris resulting from a natural or other disaster occurring anywhere in Miami-Dade County. Types of debris may include, but are not limited to, construction and demolition debris, hazardous waste, electronic waste, non-hazardous liquid waste, vehicles/vessels, burnable tires, mulch and ash.

Of the two existing prequalification pools this prequalification pool consolidates, currently, Prequalification Pool No. 9780-0/18 is valued at \$82,071,000 for a five-year and five-month term expiring on August 31, 2019 and Prequalification Pool No. 9360-1/23 is valued at \$180,000,000 for a ten-year term and expires on December 31, 2023. Under this replacement pool, Solid Waste requests \$76,000,000 for services previously received under the Prequalification Pool No. 9780-0/18 and \$90,000,000 for services previously received under Prequalification Pool 9360-1/23, for a total of \$166,000,000.

Upon advertisement, 8,699 vendors were notified including an emailing to vendors in the current pools as well as vendors listed in the Florida Department of Management Services, Office of Supplier Diversity Certified Vendor

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F20**

**File No. 191408**

**Researcher: TD Reviewer: YM**

Directory, and the U.S. Department of Labor Surplus Area Firms Directory. Twelve vendors responded to this solicitation and nine are being recommended for inclusion in the pool, of which five have local addresses.

By consolidating the services, a single vendor will be responsible for the entire process of the debris staging, hauling, and disposal services, for the site(s) that are awarded to them, pursuant to subsequent spot market competitions. The chart below lists the selected vendors.

Vendor	Principal Address	Local Address*	Sunbiz Status	West Law
All Florida Land Cleaning, Inc.	3805 NW 132 Street Opa Locka, FL	Same	Active	No findings
Arbor Tree & Land, Inc.	7089 Hemstreet Place West Palm Beach, FL	None	Active	No findings
Ashbritt, Inc.	565 E. Hillsboro Blvd Deerfield Beach, FL	None	Active	
Austin Tupler Trucking, Inc	6570 SW 47 Court Ft. Lauderdale Fl	1255 Biscayne Blvd Suite 806 North Miami FL	Active	No Findings
Crowder Gulf Joint Venture, Inc	5435 Business Parkway Theodore, AL	None	Active	No Findings
G7 Holdings, Inc /dba/ Garbage.com	8600 NW 36 Ave Miami, FL	Same	Active	No Findings
RAS Investment Corp.	782 NW 42 Ave Suite 429 Miami, FL	Same	Active	No Findings
SFM Services, Inc	97001 W 79 Ave Hialeah Gardens, FL	Same	Active	No Findings
TFR Enterprises, Inc	601 Leander Drive Leander, TX	None	Active	No Findings

A July 8, 2019 Business Management Workforce System search under commodity code 91881 - Natural Disasters, Fire, Flood, Wind, Quakes, Consulting - yielded the following certified local small business enterprises, none of which received awards under this solicitation:

- Barnes, Ferland and Associates, Inc., dba BFA Environmental
- BND Engineers, Inc.
- Civil Works, Inc.
- Cyriacks Environmental Consulting Services, Inc., dba CECOS, Inc.
- Genard & Associates, LLC
- HP Consultants, Inc.
- JRD & Associates, Inc.
- Sandra Walters Consultants Inc., dba SWC
- Singhofen & Associates, Inc.



**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F20**  
**File No. 191408**

**Researcher: TD Reviewer: YM**

**APPLICABLE LEGISLATION/POLICY**

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

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

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

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

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

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

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

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

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

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

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

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

**Resolution No. R-944-13**, adopted November 19, 2003, authorizing the award of a competitive contract in a total amount up to \$7,034,000.00, establishment of a pre-qualification pool contract in a total amount up to 180,000,000.00 and authorizing the modification of competitive contracts for the purchase of goods and services in total amount up to \$3,355,000.00.

**Resolution N. R-212-14**, adopted March 4, 2014, Authorized the award of competitive contracts in the total amount up to \$46,535,000.00, the establishment of a prequalification pool contract not to exceed \$75,000,000.00, access of another entity's competitively established contract in the amount not to exceed \$3,180,000, rejection of bids tendered in response to solicitations, Authorizing additional expenditure authority in a total amount of up to 23,246,000.00 for various contracts for the purchase of goods and services and authorizing the use of Charter County Transportation Surtax funds for such contract.

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F20**  
**File No. 191408**

**Researcher: TD Reviewer: YM**

**Implementing Order 3-38** sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8F21  
File No. 191268**

**Researcher: IL Reviewer: PGE**

RESOLUTION WAIVING FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B)(1) OF THE CODE OF MIAMI-DADE COUNTY BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT AND AUTHORIZING ACCESS OF COMMONWEALTH OF VIRGINIA CONTRACT NO. E194-75548 FOR THE PURCHASE OF 140 LOW-FLOOR 40 FOOT COMPRESSED NATURAL GAS BUSES WITH GILLIG, LLC AND NEW FLYER OF AMERICA, INC. FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS IN A TOTAL AMOUNT UP TO \$80,938,454.00 FOR THE CURRENT TERM EXPIRING MAY 31, 2019 AND ONE-YEAR OPTION TO RENEW TERM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE DOCUMENTS NECESSARY TO ACCESS SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE USE OF CHARTER COUNTY SURTAX FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve waiver of formal bid procedures to access a Commonwealth of Virginia contract for the purchase of 140 Low-Floor 40-foot compressed natural gas (CNG) buses with Gillig, LLC and New Flyer of America, Inc., in a total amount up to \$80,938,454.00 for the Department of Transportation and Public Works.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department (ISD)**

This item was brought before the Transportation and Finance (TAF) Committee on June 12, 2019 and was forwarded to BCC without a recommendation. Prior to the item being waived the following exchange took place:

- Prior to the conclusion of the discussion on this item, multiple commissioners questioned the process by which these buses were being procured via the Commonwealth of Virginia Contract. Specifically, they questioned why DTPW and ISD were awarding the majority of the bus purchases to New Flyer (\$578,500) instead of Gillig considering that Gillig was charging a lower amount per bus unit (\$576,000).
- DTPW director Alice Bravo, stated that New Flyer had offered a \$5,000 credit for maintenance and training, and when this credit was factored in, the price went down from \$578,000 to \$573,000.
- The Gillig representative stated that Gillig could match the credit that New Flyer had given the County.
- Members of the committee questioned the integrity of the process as it relates to bus receivership and placing these buses into circulation considering that a lag time existed for customization and potential retrofitting of the buses.
- DTPW staff stated that the problems that existed before concerning shaking of the buses while in motion have been resolved.
- The committee requested that OCA conduct a study as to the certification of new buses in other jurisdictions outside of the State of Florida.

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F21**  
**File No. 191268**

**Researcher: IL Reviewer: PGE**

- Director Bravo advised that the reason New Flyer was awarded 100 buses and not 40 was because of the delivery schedule. The New Flyer option allowed to get these buses on the ground much sooner than with Gillig.

**ANALYSIS**

The purpose of this item is for the County to acquire 140 CNG powered Low-Floor 40-foot buses, 40 from Gillig, LLC (Gillig) and 100 from New Flyer of America, Inc (New Flyer). The Commonwealth of Virginia issued a formal request for sealed proposals (RFP #194-193) for the purpose of establishing one or more Master Agreements through negotiations with experienced and qualified firms for the provision of quality low floor transit buses. The resultant Virginia contract pre-qualifies contractors to compete to provide CNG buses to public entities as a menu or schedule-type award. The three (3) pre-qualified suppliers are as follows:

<b>Manufacturer</b>	<b>Price</b>	<b>Model</b>
Gillig	\$576,987.00	BRT Plus
New Flyer	\$578,589.74	Xcelsior XN40
Nova Bus Co.	\$577,254.00	LFS40

Due to the fact that the Virginia contract was not competed, but established a menu of pricing from several bus manufacturers, the County cannot process a procurement action to access a non-competed menu. In accordance with the Miami-Dade County, ISD Internal Procedures Manual, "Pursuant to Implementing Order 3-38, Master Procurement, the County can access a competitively awarded contract as described in the Policy Statement above. The authority to award an accessed contract follows the same authority to award a competitive contract." Instead, DTPW can change their request to a Bid Waiver. The Internal Procedures Manual, Section 4 - Bid Waiver, Sole Source or Legacy Contracts, states: "It is the policy of Miami-Dade County to purchase goods and services using full and open competition. However, a contract for goods or services can be awarded without formal competitive bidding when it is determined to be in the best interest of the County. The best interest determination is based on justifiable conditions. Such non-competitive contracts include awards made through a Bid Waiver (BW) or Sole Source (SS) process. A BW process refers to any award made without competitive bidding."

ISD intends to access the Commonwealth of Virginia contract (RFP No. E194-193), which was issued on May 31, 2016. The solicitation provided for selection of two or more proposers deemed to be fully qualified and best suited among those submitting proposals on the basis of the evaluation factors included in the RFP. After negotiations with each of the three proposers: Gillig, New Flyer, and Nova Bus Co., the resultant Virginia contract for 40-foot CNG buses was established. Pursuant to County procurement procedures, the County can access a competitively procured contract. The County can access this type of contract through a bid waiver to take advantage of the Virginia contract's economy of scale pricing and accelerated delivery schedule to meet DTPW's needs.

DTPW has experience with CNG buses and will not require a pilot bus nor will bus operators require additional training. The County is not purchasing any buses from Nova Bus Co. (Nova) as Nova requires a "pilot bus" to be produced, delivered and evaluated prior to production, and would not be able to make delivery in accordance with DTPW's delivery needs. According to the current delivery schedule, the buses will be delivered by March 2020. The manufacturer buses are broken down as follows:

<b>Manufacturer</b>	<b>Quantity of buses delivered</b>
Gillig	40
New Flyer	100

**BCC Meeting: July 10, 2019**  
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**Researcher: IL Reviewer: PGE**

Note that the County has had a commercial history with both of these firms, the County has previously purchased 120 CNG powered buses from Gillig pursuant to Resolution No. R-1262-18, (Lynx Contract) and the County has also previously purchased 64 hybrid buses from New Flyer pursuant to Resolution No. R-564-15.

This procurement will replace buses that have exceeded their useful life. According to the mayoral memo, DTPW suggests that the longer the old fleet is in use, the higher the cost to maintain. DTPW has confirmed that fueling capabilities exists at County depots to accommodate all CNG buses being purchased.

The fiscal impact for this purchase is \$80,938,454 for 140 CNG buses. The current term of the Commonwealth of Virginia contract expires on May 31, 2019; however, Virginia has already advised that one year options to renew will be exercised prior to the current contract's expiration. According to the mayoral memo, it is in the best interest of the County to procure these 140 CNG buses as a non-compete to achieve the best value for DTPW by taking advantage of Virginia's economy of scale pricing and accelerated delivery schedule to meet its needs for the County's CNG program pursuant to Resolution No. R-419-14. Note that this program is for DTPW, ISD, the Department of Solid Waste and the Water and Sewer Department, it is not a Countywide policy.

On December 4, 2018, through Resolution R-1258-18, the Board directed the County Mayor to exercise the option in the Master Developer Agreement to construct a third CNG Fueling Facility at the Northeast Bus Depot, and procure additional CNG buses. Negotiations for construction of the Northeast Bus Depot are expected to conclude by Summer 2019, according to the mayoral memo.

**Board-Approved CNG Buses Chronology**

On January 2017 the contract with Trillium LLC established the purchase of 300 CNG buses via Resolution No. R-35-17. On January 23, 2019 a purchase order through the Lynx contract for 120 CNG buses was approved via Resolution No. R-99-19. DTPW's current board-approved CNG bus fleet totals 420. With the approval of this item, DTPW's CNG bus fleet would total 560 CNG buses. Full delivery of the buses is anticipated by February 2020.

**Current DTPW Bus Fleet by Fuel Type**

<b>Diesel</b>	<b>CNG</b>	<b>Hybrid</b>	<b>Electric</b>	<b>Total</b>
205	420	137	0	762

\*Note that there is a procurement underway for 33 electric buses for DTPW. That negotiation is currently under the Cone of Silence.

OCA conducted a review of the awarded vendors on July 1, 2019:

<b>Vendor</b>	<b>Sunbiz</b>	<b>Tax Collector</b>	<b>West Law</b>
Gillig LLC	Active: Principal Address: 451 Discovery Drive, Livermore, CA 94551	No profile	No Adverse cases
New Flyer of America, Inc.	Active: Principal Address: 6200 Glenn Carlson Dr., St. Cloud, MN 56301-8852	No profile	No Adverse cases

**BCC Meeting: July 10, 2019**  
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**Researcher: IL Reviewer: PGE**

**Summary of Findings**

During the TAF meeting, there was discussion related to New Flyer providing a \$5,000 credit toward bus parts, resulting in a lower price per CNG bus, compared to Gillig's price. Gillig charges roughly \$577,000 per bus and New Flyer charges roughly \$578,500; however, according to DTPW, New Flyer offers DTPW a \$5,000 credit, resulting in an adjusted price per bus of \$573,500. The DTPW director explained that the credit equates to receipt of training for equipment and parts and that the credit is available until it is exhausted per bus or banked as \$500,000 credit toward recently purchased fleet (100 CNG Buses). The representative from Gillig stated that the company could match the \$5,000 New Flyer credit.

OCA discussed the \$5,000 credit at length with DTPW Director Alice Bravo on July 1, 2019. She explained that the \$5,000 credit offered by Gillig was contingent on the County purchasing a minimum of 100 buses from Gillig. The County is purchasing 40 buses from Gillig not 100 and therefore the \$5,000 credit offered by Gillig is not applicable. The Gillig \$5000.00 credit was not included in their initial proposal, but was first offered at the TAF.

Regarding the New Flyer \$5,000 credit, DTPW provided an amended price change summary sheet in which Reference No. 35 depicts a \$5,000 purchase credit to be used for spare parts, extended warranties, training and publications. The 5,000 dollar credit is referenced in a letter to DTPW from New Flyer of America dated April 18, 2019 with a subject line stating "Quotation for One Hundred (100) Heavy Duty Low-floor Compressed Natural Gas (CNG) Transit buses" under the section titled "Part and Deliverables Credit", the letter is attached to this note. It is unclear whether the amended price change sheet reflecting the New Flyer \$5,000.00 credit has binding contractual implications.

Furthermore, OCA inquired on the rationale behind purchasing 100 buses from New Flyer rather than Gillig, since Gillig original offered the lower price. The DTPW Director advised that the reason New Flyer was awarded the majority of the bus purchases is because New Flyer provides an expedited delivery schedule. Gillig will begin delivery of buses on October 2019 while New Flyer will begin in November 2019. Complete delivery is forecasted to be finalized by March 1, 2020 while Gillig's delivery schedule is slated to end March 22, 2020, **a 21 day difference**. To summarize Gillig is a local corporation who's buses are estimated to be \$1,600.00 less per bus but with a final delivery date of 21 days later than New Flyer.

At the TAF committee meeting, Commissioner Eileen Higgins requested that OCA conduct a survey on the timeline comparison for the certification of brand new buses, from the government entities receipt of the bus to placement of the bus into service. The chart below shows the comparison by Jurisdiction.

<b>Jurisdiction</b>	<b>Time from delivery to full operation</b>
City of Fresno, Department of Transportation	4-6 weeks
City of Houston	Pending (City contacted OCA on 06/20/2019, OCA followed up on July 3, 2019)
Miami-Dade County Department of Transit and Public Works	10 days
New York, NY Mass Transit Authority	Pending (City contacted OCA on 06/19/2019, OCA followed up on July 3, 2019)
City of San Antonio	16 days
City of King County (Seattle), WA	90 days



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**Researcher: IL Reviewer: PGE**

**DEPARTMENTAL INPUT:**

The following questions were asked to the Internal Services Department on May 16, 2019.

- Can CNG fueling stations for buses be used also for garbage trucks that are powered by CNG? **Question not answered.**
- Is the maintenance for these newly acquired buses going to be done by DTPW staff or will be hiring a third party vendor to provide maintenance? **Question not answered**
- What is the average cost per diesel gallon equivalent (DGE) for CNG fuel? **\$1.25 per gallon as of April 2019**
- How many CNG fueling facilities exist in Miami-Dade County? Are any more going to be built? And if so how many? **2 Stations currently providing CNG Fuel: Central Division, 3300 NW 32 avenue 33142 and Coral Way Division, 2775 SW 74<sup>th</sup> Avenue 33155. DTPW currently has Trillium LLC constructing 2 CNG fuel stations at these locations and Florida City Gas (FCG) is providing the fuel. Cost were originally calculated to be at Central ( \$17M) and Coral Way (cost \$14.94 M) respectively. A new CNG station is planned for Northeast division. We are currently in the negotiation stages with TECO Gas Company and Trillium corporation. This division will initially have 180+ CNG buses there, but it can support approximately 260 buses if necessary.**
- How many buses comprise our bus fleet? How many more CNG buses need to be purchased to completely overhaul our bus fleet? **Total fleet 762, CNG buses are currently 255 arrived 245 placed into service. DTPW is set to receive 420 CNG Buses by May 2020. Another order of 140 CNG Buses will be presented to the BCC for approval to purchase during a June 2019 meeting. If this is item passes, then Department of Transportation and Public Works will have a total of 560 CNG Buses our of a fleet of 762 during 2020 calendar year. DTPW also has 137 Hybrid (Diesel /Electric buses).**
- What is the lifespan of these CNG buses? **Question not answered.**
- Has transit procured or entertained the possibility of procuring Electric buses? **Procurement for 33 Electric powered vehicles with an option to purchase 42 additional vehicles is under the Cone of Silence.**

**APPLICABLE LEGISLATION/POLICY**

**Section 5.03(D) of the Home Rule Charter governs** Contracts for public improvements and purchases of supplies, materials, and services other than professional shall be made whenever practicable on the basis of specifications and competitive bids. Formal sealed bids shall be secured for all such contracts and purchases when the transaction involves more than the minimum amount established by the Board of County Commissioners by ordinance.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTICOAMCH\\_ART5ADORPR\\_S5.03FIAD](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTICOAMCH_ART5ADORPR_S5.03FIAD)

**Section 2-1 of the Code of Miami-Dade County, (Rules of Procedure),** Provides the Rules of Procedures for the Board of County Commissioners; provides that items approved at committee meetings recommending the award or rejection of contracts for public improvements and purchases of supplies, materials, and services (including professional services) shall not be subject to the four-day rule; establishes that approvals to exercise OTR terms do not require committee review.



**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F21**

**File No. 191268**

**Researcher: IL Reviewer: PGE**

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIINGE S2-1RUPRCOCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-1RUPRCOCO)

**Section 2-8.1 of the Code of Miami-Dade County** (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR CH2AD ARTIINGE S2-8.1COPUGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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

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

**Resolution No. R-419-14**, adopted April 1, 2014, authorizing the County Mayor to advertise a Request for Proposals (RFP) for a compressed natural gas (CNG) program.

<http://www.miamidade.gov/govaction/matter.asp?matter=140812&file=true&fileAnalysis=false&yearFolder=Y2014>

**Resolution No. R-564-15**, adopted June 30, 2015, approved purchase of up to 64 hybrid buses from New Flyer of America Inc., in the amount of \$71,387,000 for a five year term.

<http://www.miamidade.gov/govaction/matter.asp?matter=150352&file=true&fileAnalysis=false&yearFolder=Y2015>

**Resolution No. R-9919**, adopted January 23, 2019, approved Purchase Order No. POMT 1900555 with Gillig LLC in the amount of \$69,210,520.00 for the purchase of 120 Low-Floor 40-foot compressed Natural Gas (CNG) buses through the Central Florida Regional Transportation authority D/B/A/ Lynx Contract No. 14-C09.

<http://www.miamidade.gov/govaction/matter.asp?matter=190042&file=true&fileAnalysis=false&yearFolder=Y2019>

**Resolution No. R-35-17**, adopted January 24, 2017, approved an award of a master developer agreement, contract no. 00096, compressed natural gas program for DTPW to Trillium Transportation Fuels, LLC in a total amount not to exceed \$428,773,000.00 for an initial ten-year term with an option to renew up to ten(1) years.

<http://www.miamidade.gov/govaction/matter.asp?matter=162416&file=true&fileAnalysis=false&yearFolder=Y2016>

**Resolution No. R-1262-18**, adopted December 4, 2018, directed the County Mayor to issue a purchase order pursuant to the Central Florida Regional Transportation Authority D/B/A Lynx Contract No.14-C09 for the purchase of compressed natural gas buses to replace metrobuses that have reached their useful life span of 12 years and/or 500,000 miles of service in a number up to the maximum amount of available funds budgeted for this purpose in FY 2018-2019.

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8F21**  
**File No. 191268**

**Researcher: IL Reviewer: PGE**

<http://www.miamidade.gov/govaction/matter.asp?matter=182875&file=false&fileAnalysis=false&yearFolder=Y2018>

**Resolution No. R-1258-18**, adopted December 4, 2018, directing the County Mayor to exercise the option subject to Board approval, in master developer agreement, Contract No. RFP-00096, with Trillium Transportation Fuels, LLC., to construct a compressed natural gas (CNG) fueling facility at the Northeast Bus Depot and to procure additional CNG buses in order to operate CNG buses from the Northeast Bus depot.

<http://www.miamidade.gov/govaction/matter.asp?matter=182862&file=true&fileAnalysis=false&yearFolder=Y2018>

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

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



April 18, 2019

Ana M. Rioseco, CPPB  
Chief, Procurement Goods & Services Division  
701 NW 1 Court, 15<sup>th</sup> Floor  
Miami, FL 33136

**Subject: Quotation for One Hundred (100) Heavy Duty Low-Floor Compressed Natural Gas (CNG) Transit Buses**

Dear Ms. Rioseco,

New Flyer is pleased to submit a revised price quotation to produce one hundred (100) low-floor 40' CNG transit buses based on New Flyer's contract with the Commonwealth of Virginia.

The pricing of the proposed buses reflects the technical configuration of SR 2194, which is the current order that Miami -Dade is receiving deliveries from New Flyer. Details on the price build up from the state contract to the SR2194 configuration is listed in Section 2 of our proposal.

The price for one hundred (100) buses based off the Commonwealth of Virginia contract is \$578,589.74/bus.

We want to take this opportunity to highlight key elements of our proposal:

**Warranty:** New Flyer exceeds industry standard warranties in many areas such as 5 year / 300,000 miles warranty for axle (Standard warranty is 2 years) and our multiplex warranty is 3 years/150,000 miles

(Standard competitor warranty is 1 year/50,000 miles). Please refer to Section 3 of our proposal for information regarding our warranty proposal. **New Flyer has matched the warranty provided on SR2194 to ensure that Miami is receiving the service and warranty coverage that you have become accustomed to with New Flyer.**

**Training:** New Flyer Training is an organization within the New Flyer Customer Services group – a division of New Flyer Industries. As a part of the leading manufacturer of heavy-duty transit buses in the United States and Canada, we have access to top design, engineering, propulsion technology and electrical systems professionals. This enables us to offer the service and expertise to maximize the lifetime value of your fleet.

**Parts and Deliverables Credit:** The proposed price includes a \$5,000 per bus purchase credit for Miami on an order that is a minimum of 100 buses. This credit can be used to purchase spare parts, extended warranties, training, and publications.

**Publications:** Our New Flyer Publications professionals combine extensive, hands-on technical experience with exceptional writing, illustrating and publishing skills to create the industry's benchmark in maintenance manuals. Supplying accurate information in a timely manner assists the customer in the performance of proper bus maintenance, which in turn, adds to the overall reliability and lifetime value of each New Flyer bus on the road.



**Delivery Proposal:** New Flyer is prepared to offer an expedited production schedule to the MDT as follows:

- Line entry ~20 weeks from receiving an NTP
  - The first 4 weeks of production will be at a line rate of up to 5 buses per week.
  - The following weeks will be at a rate of 8 – 10 buses (in a normal working week), contingent upon inspection and acceptance resources being available. New Flyer will match the line entry rates to the resources commitments made by the DTPW.
  - Any changes to the production schedule or corresponding delivery and shipment plans, must be mutually agreed upon, and made 20 weeks in advance of the proposed changes.
  - The bus will be technically configured as proposed, with no major technical changes made during pre-production or production.
  - New Flyer is committed to delivering buses by March 31, 2020.

**Payment Terms:** Following the terms and conditions of New Flyer's contract(s) with the Commonwealth of Virginia the proposed payment terms are as follows:

Payment terms are Net 30 days

Acceptance is within 15 days of delivery

This is a very important project to us as it allows us to further build our relationship with Miami Dade County. New Flyer understands Miami-Dade's technical and support requirements and are pleased to offer some of the most advanced transit bus technology while also providing fleet commonality with your current order. We thank you for your continued interest in New Flyer products and look forward to working with you in the near future.

The quotation is open for acceptance until April 30<sup>th</sup>, 2019. Please indicate your acceptance by providing a Purchase Order to New Flyer, attention Stephanie Laubenstein, Director, Sales and Business Development by fax at: (204)-224-4214 or via email at [Stephanie\\_Laubenstein@NewFlyer.com](mailto:Stephanie_Laubenstein@NewFlyer.com).

Sincerely,  
NEW FLYER OF AMERICA INC.

A handwritten signature in black ink that reads "Stephanie Laubenstein".

Stephanie Laubenstein  
Director, Sales and Business Development

Cc: Carlos Delgado, DPTW  
Carlos De La Torre, DPTW  
Jennifer McNeill, New Flyer of America  
John Andrews, New Flyer of America



## Price Change Summary

**Property:** Miami Dade Transit  
**Option Origin:** 16-072 - State of Virginia  
**Sales Release No.:** Option #2018-050  
**Quantity:** 100  
**Type:** XN40  
**Price Change No.:** 1  
**Revision:** F  
**Date:** 18-Apr-19

	Each	Total
<b>Original Contract Price Base Coach</b>	\$ 444,958.16	\$ 444,958.16
Base Bus Price Change Total	\$ 133,631.58	\$ 133,631.58
Contract Spares Base Bus Price Change Total	\$ -	\$ -
Revised Price Base Bus (including ADA & delivery)	\$ 578,589.74	\$ 578,589.74
<b>Original Contract Price for Contract Spares (If priced separately)</b>		\$ -
Contract Spares Changes (Priced Separately) Total	\$ -	\$ -
Revised Contract Spares Priced Separately		\$ -
<b>Original Contract Price for Miscellaneous (If priced separately)</b>		\$ -
Miscellaneous Price Change Total	\$ -	\$ -
Revised Miscellaneous Priced Separately		\$ -
<b>Original Total Contract Price</b>		\$ 444,958.16
Total Contract Price Changes		\$ 133,631.58
<b>Revised Total Contract Price</b>		<b>\$ 578,589.74</b>

### Authorized Signatures:

New Flyer Authorization:

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Property Authorization:

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



Price Change Detail

Property:	Miami Dade Transit
Option Origin:	16-072 - State of Virginia
Sales Release No.:	Option #2018-050
Quantity:	100
Bus Type:	XN40

Price Per Coach						
Price Change Type	Reference No.	Option No.	Option Group	SRCR No.	Description	Total
Base Bus Price Change	1	205	Tires		Change Wheels and Tires from State of Virginia (SOV) to SR-2194 configuration - aluminum, machine brushed w/Durabright and Duraflange	\$ (944.79)
	2	219	Engine		Change Engine and Transmission from SOV to SR-2195 configuration - L9N CNG, Voith	\$ (977.61)
	3	231	Cooling System		Change Cooling System from SOV to SR-2194 configuration - EMP MH4 Gen 4, ES Compleat (OAT) organic coolant	\$ 1,198.99
	4	241	Fuel System		Change Fuel System from SOV to SR-2194 configuration - Six fuel tanks- upcharge includes 2019 CNG EPA	\$ 6,300.95
	5	246	Air, Brake & Lev System		Change Air, Brakes and Leveling systems from SOV to SR-2194 configuration - includes three dual compartment air tanks, Graham White Sludgebreaker QBA 15NX5 air dryer	\$ 2,605.40
	6	260	Battery Compartment		Change Battery Compartment from SOV to SR-2194 configuration - 4 x Interstate type 31 maintenance free batteries, Anderson jumpstart, 100 amp Vanner equalizer	\$ 3,017.17
	7	273	Exterior Lamp		Change Exterior Lamps from SOV to SR-2194 configuration - LED headlights, three taillights (red, amber, white), upper rear turn signals, two center stop lights	\$ 676.15
	8	277	Interior Lighting		Change Interior Lighting from SOV to SR-2194 configuration - TCb LED w/tinted covers, farebox light, 4 x engine compartment lights, rear deck step light, LED strip interior door header light	\$ 1,188.74
	9	280	Passenger Signal		Change Passenger Signals from SOV to SR-2194 configuration - change to pullcords and touch pads @ wheelchair locations	\$ (125.90)
	10	304	Paint & Decal		Change Paint from SOV to SR-2194 configuration - Miami specific paint and decal layout	\$ 1,672.85
	11	350	Drivers Control		Change Driver Controls from SOV to SR-2194 configuration - Add Speakeasy II system foot switch	\$ 763.20
	12	420	Body A/P Before Paint		Change Body Exterior from SOV to SR-2194 configuration - 2 roof hatches 24"x24"	\$ 2,699.70
	13	422	Body A/P After Paint		Change Body Interior from SOV to SR-2194 configuration - Miami specific interior	\$ 2,536.91
	14	450	Flooring A/P		Change Flooring from SOV to SR-2194 configuration - Tarabus Palladium 8805 Helios NT	\$ 841.42
	15	460	Windows		Change Windows from SOV to SR-2194 configuration - ArowGlobal, flush, fixed, 13% LT - tempered	\$ 4,563.82
	16	470	Destination Signs		Change Destination Signs from SOV to SR-2194 configuration - TV Smart Series LED, Clever AVA/AVL full system install, EJ Ward fuel mgmnt system w/transmitter and antenna	\$ 30,261.24
	17	480	Mirrors		Change Mirrors from SOV to SR-2194 configuration - C/side, dual remote, not heated	\$ 743.53
	18	490	Door Entrance		Change Entrance Doors from SOV to SR-2194 configuration - Electric Entrance Door	\$ 2,548.10
	19	491	Door Exit		Change Exit Doors from SOV to SR-2194 configuration - Electric Exit Door	\$ 4,023.03
	20	526	Seating & Stanchions		Change Passenger Seating from SOV to SR-2194 configuration - USSC Aries SST seats, 9100 ALX3 Driver's Seat, Q'Pod Restraint System - Miami specific seat arrangements	\$ 7,552.03
	21	549	HVAC System		Change HVAC from SOV to SR-2194 configuration - TK T15 Rear unit, Grayson defroster and booster fan - no auxilliary heater	\$ (1,226.20)
	22	600	Customer Options		Change Customer Options from SOV to SR-2194 configuration - Four SDS trays, WLAN system, UTA APC, UTC Camera System, Kidde Fire Suppression/methane detection, 3 position bike rack, Infotainment System w/2x37" monitors, DC-DC power converter	\$ 36,238.59
	23	400	Structures		Change Structure from SOV to SR-2194 configuration - 5x1/4" square jacking pads at front and rear	\$ 1,497.34
	24	410	Tapping Plates		Change Tapping Plates from SOV to SR-2194 configuration	\$ 1,042.35
	25	470	Destination Signs		Add difference between 2017 Clever quote and 2018 Clever Quote including Clever Vision 2 - Miami Specific Install and support	\$ 4,484.47
	26	Warranty	Deliverable		Revised 2018 Warranty Quote	\$ 19,848.73
	27	600	Customer Options		Add UTC Software	\$ 130.79
	28	400	Structures		Change from Carbon Steel to Stainless Steel	\$ 12,444.19
	29	600	Customer Options		Update Camera system to be same as SRCR # 181634 (pricing approximate) - Mobileview, Miami specific camera layout and programming	\$ 1,585.29
	30	526	Seating & Stanchions		Add Dual USB Ports (18) with covers	\$ 2,884.75
	31	470	Destination Signs		Change from Amber Signs to Color Signs (Luminator Smart Series - Front Sign Only)	\$ (1,020.90)
	32	450	Flooring A/P		Change from Gerflor - Tarabus Helios NT 8806 Rhodium floor covering	\$ (1,111.00)
	33	PPI	Producer Price Index		10.71% Discount per SOV Contract Terms On Optional Items	\$ (14,311.79)
Base Bus Price Change Total						\$ 133,631.58
Grand Total						\$ 133,631.58

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8G1**  
**File No. 191467**

**Researcher: MF Reviewer: PGE**

RESOLUTION APPROVING THE FISCAL YEAR 2018-19 CONTRACT IN THE AMOUNT OF \$1,133,000 WITH THE STATE OF FLORIDA DEPARTMENT OF HEALTH EFFECTIVE RETROACTIVELY FROM OCTOBER 1, 2018 TO SEPTEMBER 30, 2019 FOR THE PURPOSE OF MEETING PUBLIC HEALTH NEEDS OF THE CITIZENS OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ANY PROVISIONS CONTAINED THEREIN, AND TO EXECUTE FUTURE AGREEMENTS FOR, AND APPLY FOR, RECEIVE, AND EXPEND ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE UNDER THIS PROGRAM FOR THIS PURPOSE

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the execution of an agreement between the County and the State Department of Health (DOH) retroactively for one year to support public health services to County residents.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Office of Management and Budget (OMB)**

The item was scheduled to be heard by the Health Care and County Operations Committee at its meeting of June 13, 2019, which was cancelled. The item was waived onto the July 10, 2019 BCC agenda.

**ANALYSIS**

The proposed resolution is requesting Board approval in the amount of \$1,133,000 for a contract between the County and the State Department of Health for public health needs provided during the 2018-19 fiscal year. According to OMB, the program's cost is \$64,197,149, of which \$52,924,152 was paid by the State, another \$10,139,997 was paid through local cash contributions, and the remaining \$1,133,000 was paid by the County via Jackson Health Systems. The source of the local cash contributions are: DOH health services, environmental health, and communicable disease services (4,843,523); Medicaid (2,153,996), and other cash contributions (\$3,142,367), and environmental fees (\$111).

According to supplemental information provided in the mayor's memo, among the DOH services provided to the County were: AIDS surveillance; statewide asthma program; coastal breach water quality monitoring; immunization action plan, breast and cervical cancer case management; improving STD programs; children's medical services for Zika; supplemental school health; TB control project; and refugee health screening, among many more.

OCA notes the mayor's memo does not indicate the following: 1) the reasons for the subject item going before the Board as a retroactive approval; 2) whether there are plans to extend the agreement beyond the one year; and 3) background information regarding previous instances in which the County has executed a similar agreement with DOH and for what reason(s).

In addition, the mayor's memo points out that although State Statutes (section not listed) do not require for the County to provide building space and insurance coverage for County-owned buildings, furniture and equipment used by the DOH, the County will be providing said space and equipment under a separate agreement, slated to go before the Board. Notwithstanding, OMB does not indicate whether this proposed agreement is one that is current (through JHS or another entity) or if it will be a new agreement that the County will endeavor upon, as a voluntary partnership.



**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8G1**

**File No. 191467**

**Researcher: MF Reviewer: PGE**

**DEPARTMENTAL INPUT:**

The following questions were submitted to OMB on July 2, 2019. OMB provided answers the same day, and are shown in bold below.

- Indicate the reasons the subject item is before the Board as a retroactive approval.  
**It is retroactive because the budget has to pass first and then we can work on the agreement. It is especially retroactive this year because there was a change in the management at the Miami-Dade Health Department and that slowed things down. Also, the original agreement package we received included some un-updated information, so there was some extended back and forth.**
- Indicate if the agreement will be extended beyond the one year, ending September 30, 2019; and provide background information regarding previous similar agreements approved between the County and DOH.  
**This is basically the same agreement that is executed every year and is required by State Statute because of the relationship between Counties and the Florida Department of Health.**

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the Code of Miami-Dade County** (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000.00; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by Implementing Order (I.O.) and approved by the Board.

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

[dade county/codes/code of ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Resolution No. R-716-12**, adopted by the Board on September 4, 2012, requires identification of a firm's Small Business Enterprise (SBE) program certification in any procurement item submitted for Board approval.

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

**Resolution No. R-395-12**, adopted by the Board on May 1, 2012, Requires vendors added to open pool contracts to be subject to bi-annual ratification by the Board of County Commissioners.

<http://www.miamidade.gov/govaction/matter.asp?matter=120561&file=true&yearFolder=Y2012>

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

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

**Resolution No. R-140-15**, adopted by the Board on February 3, 2015, authorizes replacement contracts for goods or services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the county.

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

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

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

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8G1**

**File No. 191467**

**Researcher: MF   Reviewer: PGE**

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

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

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8K1**

**File No. 191671 (191368)**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING OF AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO SUBMIT THE AMENDED FISCAL YEAR 2018-2019 ANNUAL PUBLIC HOUSING AGENCY PLAN AND FISCAL YEAR 2019-2020 PUBLIC HOUSING AGENCY PLAN TO THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR FINAL APPROVAL; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO REVISE AND SUBMIT THE PUBLIC HOUSING AGENCY PLAN, SUBJECT TO THE LIMITATIONS OF THE "SIGNIFICANT AMENDMENT AND SUBSTANTIAL DEVIATION" DEFINITION CONTAINED THEREIN, AS MAY BE REQUIRED BY REGULATORY, COURT ORDERS OR INTERNAL POLICY CHANGES; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO AMEND THE SECTION 8 ADMINISTRATIVE PLAN TO ESTABLISH AN ADDITIONAL PREFERENCE FOR NON-ELDERLY PERSONS WITH DISABILITIES WHO ARE TRANSITIONING OUT OF INSTITUTIONAL AND OTHER SEGREGATED SETTINGS, AT SERIOUS RISK OF INSTITUTIONALIZATION, HOMELESS, OR AT RISK OF BECOMING HOMELESS, AS REQUIRED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, IN ORDER TO UTILIZE 89 MAINSTREAM HOUSING CHOICE VOUCHERS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the County Mayor to: submit the amended Fiscal Year 2018-2019 Annual Public Housing Agency Plan and Fiscal Year 2019-2020 Public Housing Agency Plan to the United States Department of Housing and Urban Development (HUD) for final approval; revise and submit the Public Housing Agency Plan; and amend the Section 8 Administrative Plan to establish an additional preference for non-elderly persons with disabilities who are transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless in order to utilize 89 Mainstream Housing Choice Vouchers.

**PROCEDURAL HISTORY**

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

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

This item was amended and forwarded to the BCC with a favorable recommendation, as amended, by the Housing, Social Services & Economic Development Committee following a public hearing. During the public hearing, Sean Rowley of Legal Services of Greater Miami shared his concerns stemming from problems seen with RAD conversion around the country. If RAD is not implemented carefully, the process could leave public housing residents without the important procedural rights that public housing provides, and could deprive them of their subsidized housing itself. Legal Services seeks to be involved in the County's RAD conversion process to ensure that the rights of tenants are respected, and submitted written comments dealing with three overarching issues:

- Ensuring that no tenants are displaced as a result of RAD conversions;
- Ensuring that the procedural rights that are unique to public housing residents, such as the right to grievance hearings and the right to form residents councils, are not diminished as a result of RAD; and
- Ensuring that there is full transparency and education during the RAD conversion process.

Deputy Mayor Maurice Kemp commented that he looks forward to collaborating with Legal Services in the RAD process, and that the stated concerns are already incorporated in the Annual Public Housing Agency Plan.

Following the public hearing and prior to passage, the following discussion transpired:

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8K1**

**File No. 191671 (191368)**

**Researcher: JFP Reviewer: TD**

- Director Liu stated that PHCD has engaged with public housing residents, as required by HUD regulations, about RAD and has held public hearings as well as communicated with the community and garnered the support of several entities associated with public housing with regards to the County's RAD process. PHCD is in agreement with Legal Services that the stated safeguards be included in the Plan, as they are, because those safeguards are mandated by law.
- Jeffrey Lines, President of TAG Associates, Inc. (PHCD's consultant), echoed that the primary concerns brought forth during the public hearing are all addressed in the Plan.
- Commissioner Martinez voiced his concerns regarding PHCD's authority to modify the Plan for internal policy changes without Board approval as well as concerns with the distribution of the 89 Mainstream Housing Choice Vouchers to non-elderly homeless individuals.
- Director Liu responded that the 89 Mainstream Housing Choice Vouchers are a special set-aside approved by HUD for non-elderly homeless individuals with disabilities, and is not taking away from the elderly allocation of Section 8 housing.
- Commissioner Martinez requested an amendment to remove the internal policy changes language from the Plan.
- Commissioner Higgins expressed her concerns regarding the Harry Cain building and its residents in District 5, and whether the RAD program will provide expedited means to address the capital needs of this building and others throughout the County.
- Director Liu responded that RAD is the only tool at the County's disposal to adequately address public housing capital needs. The County has a \$2 billion in backlog of capital needs to bring public housing up to basic code and receives only \$10 to \$13 million a year in capital funding from HUD. RAD allows the opportunity to work with the private sector and get the investment needed for repairs to public housing.
- Commissioner Higgins asked Director Liu what sorts of internal policy changes have been exercised in the past.
- Director Liu responded that the ability to make internal policy changes without Board approval allows PHCD to address public housing concerns more quickly and allocate resources when the demand requires it.
- Commissioner Higgins requested that flexibility be given to the department in the amendment for internal policies related to safety and security.

On Page 2 of the Mayor's Memorandum, Condition No. 3 of the Recommendations to the Board of County Commissioners, Line 5, reference to "internal policy changes" should be deleted and replaced with "and affect safety and security issues".

**ANALYSIS**

The purpose of this item is threefold: 1) to comply with the federal Public and Indian Housing Notice 2012-32, REV 3, with submittal to HUD of an amendment to the current Fiscal Year's Annual Public Housing Agency Plan that includes all the required Rental Assistance Demonstration (RAD) provisions 2) authorize submittal of the 2019-2020 Public Housing Agency Plan to HUD for final approval as well as authorize the County Mayor to revise and submit the Public Housing Agency Plan; and 3) facilitate the utilization of 89 Mainstream Housing Choice Vouchers by authorizing the amendment of the Section 8 Administrative Plan to establish an additional preference for non-elderly persons with disabilities who are transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless. This item has no fiscal impact to the County.

PHCD's Amended Plan incorporates the RAD provisions now that the County's RAD application has been approved by HUD. The RAD Program is a HUD program authorized in the FY 2012 Congressional Appropriations Bill that

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allows for the voluntary, permanent conversion of public housing to the Section 8 Project-Based Housing Program, in so doing providing Public Housing Agencies (PHAs) with access to more stable funding to make needed improvements to properties. Congress has not provided enough funding for PHAs to adequately address the \$26 billion in nationwide public housing capital needs. RAD provides a means by which to rehabilitate or repair units without needing to depend on Congress for additional moneys. Among other financial benefits, the RAD Program provides for a 20-year funding contract with annual cost of living adjustments and access to equity through low income housing tax credits, as well as attraction of private construction lenders who understand RAD and are willing to provide construction and permanent financing. In RAD, units move to a Section 8 platform with a long-term contract that, by law, must be renewed, ensuring that the units remain permanently affordable to low-income households.

The RAD provisions included in the amended plan provide assurances that the public housing tenants' rights and protections will not be affected by the transition to RAD, as well as required information on the properties that may be considered for RAD conversion. The properties that may be considered for RAD conversion or demolition and/or disposition are subject to further approvals by the Board and HUD.

The 2019-2020 Plan includes all RAD-related provisions, reflected in the following modifications to the Public Housing Program and Section 8 Programs:

- PHCD revised the tables of properties that may be considered for demolition and/or disposition process, subject to the Board and HUD's approval.
- PHCD will amend policy elements of the Section 8 Administrative Plan to include all RAD-related provisions, which incorporates the guaranteed strong tenant rights and protections that tenants currently have under the public housing program.

During PHCD's meeting with the Resident Advisory Board on April 4, 2019 regarding the 2019-2020 Amended Plan and the 2019-2020 Plan, the following questions were asked by its members (responses in italics):

- Is Liberty Square participating in RAD? *Liberty Square is not participating in RAD.*
- What are the next projects under RAD? *PHCD is in the initial process and has not developed a list detailing sequential order. However, it has begun meetings with residents that may be impacted, such as the residents of Culmer Gardens and Culmer Place.*
- Will residents of the Culmer Place and Culmer Gardens developments have to relocate? *Unable to determine at this time. This development is under an RFP solicitation.*
- If a resident is relocated far from their job, will PHCD provide assistance with transportation? *PHCD has temporarily relocated residents to locations near the project where they reside, mostly to hotels. PHCD will comply with the relocation requirements under RAD.*
- What is the returned rate to properties that have undergone rehabilitation? *PHCD has rehabilitated about eight 1,173 units, and all residents that had been temporarily relocated have returned to the project.*

PHCD is also seeking authorization to amend the Section 8 Administrative Plan to utilize 89 Mainstream Housing Choice Vouchers that HUD awarded PHCD on September 5, 2018 for non-elderly persons with disabilities who are transitioning out of institutional and other segregated settings, at serious risk of institutionalization, homeless, or at risk of becoming homeless. The federally-funded Housing Choice Voucher Program is a rental program that allows tenants to choose their unit in the private housing market. Participants are selected from PHCD's waiting list, typically paying approximately between 30% of income toward rent with the landlord receiving the difference in the form of a housing assistance payment from PHCD. PHCD has contracted with a private firm, Nan McKay & Associates, an active foreign profit corporation with its principal address in El Cajon, California, to administer the Housing Choice Voucher program.

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**DEPARTMENTAL INPUT**

OCA posed the following questions to PHCD (responses in italics).

- Is FY 2018-2019 the first year the County has participated in the RAD program? *Yes.*
- Are there any noticeable financial trends as a result of participating in the RAD program? *There have not been any RAD conversions completed to date. These are planned.*
- How many people have been impacted by RAD projects? *PHCD is in the initial stages of the process for the RAD initiative. Therefore, there has yet to be any financial trends or people impacted.*
- How does Miami-Dade's utilization of the RAD program compare to other communities (e.g., Broward and Palm Beach)? *It is our understanding that Broward and Palm Beach have a low number of units that were included in RAD while the County has over 6,400 units in its RAD plan.*

**ADDITIONAL INFORMATION**

**Rental Assistance Demonstration (RAD) Program**

RAD was created in order to give public housing authorities (PHAs) a powerful tool to preserve and improve public housing properties and address the \$26 billion dollar nationwide backlog of deferred maintenance. RAD also gives owners of three HUD "legacy" program (Rent Supplement, Rental Assistance Payment, and Section 8 Moderate Rehabilitation) the opportunity to enter into long-term contracts that facilitate the financing of improvements.

<https://www.hud.gov/rad>

<https://www.hud.gov/sites/documents/TOOLKIT1WHYRAD.PDF>

**Housing Choice Voucher Program**

[https://www8.miamidade.gov/global/service.page?Mduid\\_service=ser1544821240699928](https://www8.miamidade.gov/global/service.page?Mduid_service=ser1544821240699928)

<https://www.miamidade.gov/housing/library/reports/hcv-fact-sheet.pdf>

**APPLICABLE LEGISLATION/POLICY**

**Public and Indian Housing Notice 2012-32, REV 3**, issued June 15, 2015, provides program instructions for the Rental Assistance Demonstration, including eligibility and selection criteria.

[https://www.hud.gov/sites/documents/PIHNOTICE\\_2012-32\\_062015.PDF](https://www.hud.gov/sites/documents/PIHNOTICE_2012-32_062015.PDF)

**Resolution No. R-1240-18**, adopted December 4, 2018, authorized the County Mayor to submit Rental Assistance Demonstration Applications (RAD Applications) to the United States Department of Housing and Urban Development (HUD)'s Rental Assistance Demonstration Program for the conversion of certain public housing projects to Section 8 Project-Based Housing.

<http://intra/gia/matter.asp?matter=182551&file=true&yearFolder=Y2018>

**Resolution No. R-710-18**, adopted July 10, 2018, approved the FY 2018-2019 Public Housing Agency Plan (PHA Plan) for submission to HUD.

<http://intra/gia/matter.asp?matter=181332&file=true&yearFolder=Y2018>

**Resolution No. R-394-18**, adopted May 1, 2018, ratified the action by the County Mayor with respect to adding vendors to open pool contracts during the period of July 1, 2017 through December 31, 2017.

<http://intra/gia/matter.asp?matter=180565&file=true&yearFolder=Y2018>



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

**ISSUE/REQUESTED ACTION**

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

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

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

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



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

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

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

This item was brought at the May 7, 2019 BCC meeting and was deferred to the Board of County Commissioners' meeting scheduled for Tuesday, July 9, 2019.

**ANALYSIS**

The purpose of this item is to seek five revisions: 1) approval of an increase on the maximum sales price from \$205,000.00 to maximum amount not to exceed \$235,000.00 for single family homes developed and sold or financed through the second mortgage program on County-owned properties by developers through the Miami-Dade County Infill Housing Initiative Program (MDCIHIP), 2) Approve the increase on the maximum sales price from \$215,000.000 to an amount not to exceed \$245,000.00 for single family homes developed and sold or financed through the second mortgage program on privately-

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owned properties by developers through MDCIHIP, 3) approve the increase on the maximum sales price from \$205,000 to an amount not to exceed \$310,000, based on a sliding scale, for homes purchased by qualified homebuyers through the Miami-Dade County affordable housing development and second mortgage programs, 4) amend Implementing Order No. 3-44 related to MDCIHIP and the Affordable Housing Program Guidelines revising the maximum sales prices and amending the requirement to provide certified costs of their total development costs and 5) amend MDCIHIP guidelines allowing PHCD to negotiate prior to conveyance of private lot, a lower maximum sales price for homes smaller than the typical homes developed and sold through the MDCIHIP program.

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

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

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

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

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

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

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

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<b>Number of Properties Sold by Year - PHCD</b>					
<b>Fiscal Year</b>	<b>60k-90k</b>	<b>90k-110k</b>	<b>110k-150k</b>	<b>150k-205k</b>	<b>Total Number of Units Sold</b>
10/2018 - 2/2019	1	2	11	25	39
10/2017 - 9/2018	0	3	27	72	102
10/2016 - 9/2017	2	5	38	68	113
10/2015 - 9/2016	4	5	49	45	103
10/2014 - 9/2015	4	5	32	59	100
10/2013 - 9/2014	1	6	50	66	123
10/2012 - 9/2013	0	26	52	63	141
<b>Total</b>	<b>12</b>	<b>52</b>	<b>259</b>	<b>398</b>	<b>721</b>

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The Table below illustrates costs of comparable properties:

<b>MIAMI-DADE COUNTY PROPERTY APPRAISAL COMPARABLE SALES</b>						
<small>(Data Obtained on 10/12/2018)</small>						
<b>ADDRESS</b>	<b>PROPERTY USE</b>	<b>YEAR BUILT</b>	<b>BEDS</b>	<b>BATHS</b>	<b>SALE MONTH</b>	<b>SALE AMOUNT</b>
515 NW 48 STREET	SINGLE FAMILY	2007	3	2	Mar-18	\$380,000
4990 NW 5 AVENUE	SINGLE FAMILY	1964	3	2	Feb-18	\$346,000
530 NW 49 STREET	SINGLE FAMILY	1970	3	2	Jul-18	\$238,000
5027 NW 6 AVENUE	SINGLE FAMILY	2017	3	2	Jul-18	\$250,000
4780 NW 3 AVENUE	SINGLE FAMILY	1966	3	2	Jul-18	\$286,250
4500 NW 3 AVENUE	SINGLE FAMILY	1939	3	2	Jun-18	\$360,000
15215 NW 24 AVENUE	SINGLE FAMILY	1962	3	2	Feb-18	\$232,000
10754 SW 107 COURT	SINGLE FAMILY	1974	3	2	Jun-18	\$310,000
15215 NW 24 AVENUE	SINGLE FAMILY	1962	3	2	Feb-18	\$232,000
2000 NW 111 STREET	SINGLE FAMILY	1956	3	2	Mar-18	\$250,000
2222 NW 105 STREET	SINGLE FAMILY	1953	3	2	May-18	\$250,000
1725 NW 90 STREET	SINGLE FAMILY	1957	3	2	Jun-18	\$250,000
2245 NW 101 STREET	SINGLE FAMILY	1954	3	2	Jul-18	\$248,000
1810 NW 52 STREET	SINGLE FAMILY	1050	3	2	Jul-18	\$265,000
1045 NW 53 STREET	SINGLE FAMILY	1948	3	2	May-18	\$249,900
1775 NW 76 TERRACE	SINGLE FAMILY	2005	3	2	Mar-18	\$244,000
17802 SW 114 AVENUE	SINGLE FAMILY	2000	3	2	Dec-17	\$235,000
Sales with No Bankruptcy consideration						Average \$270,950
						Max. \$380,000
						Min. \$232,000

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**ADDITIONAL INFORMATION**

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

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

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

Number of Properties Sold by Year - PHCD					
Fiscal Year	60k-90k	90k-110k	110k-150k	150k-205k	Total Number of Units Sold
10/2018 - 2/2019	1	2	11	25	39
10/2017 - 9/2018	0	3	27	72	102
10/2016 - 9/2017	2	5	38	68	113
10/2015 - 9/2016	4	5	49	45	103
10/2014 - 9/2015	4	5	32	59	100
10/2013 - 9/2014	1	6	50	66	123
10/2012 - 9/2013	0	26	52	63	141
<b>Total</b>	<b>12</b>	<b>52</b>	<b>259</b>	<b>398</b>	<b>721</b>

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**APPLICABLE LEGISLATION/POLICY**

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

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

**Section 125.379(2)** of the Florida Statutes, (Disposition of County property for affordable housing) Properties identified as appropriate for use as affordable housing on the inventory list may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing.

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

**Section 125.411** of the Florida Statutes, (Conveyance of land by County) relates to deeds of conveyance of lands.

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

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

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.6.5PUSALEREPR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.6.5PUSALEREPR)

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

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH17HO\\_ARTVIIINHAIN\\_S17-121TIPU](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH17HO_ARTVIIINHAIN_S17-121TIPU)

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

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

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

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

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

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

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**Resolution No. R-376-11**, adopted May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

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

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

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

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

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

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

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

**Resolution No. R-1324-08**, adopted December 2, 2008, established the maximum sales price for the homeownership second mortgage program and homeownership units developed under the infill and housing development programs.

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



**BCC Meeting  
July 10, 2019  
Research Notes**

**Item No. 8K3  
File No. 190822 (190472)**

**Researcher: IL    Reviewer: TD**

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

**ISSUE/REQUESTED ACTION**

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

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

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

Prior to passage, Assistant County Attorney Terrence Smith advised that a written document reflecting the amended language regarding the Infill Program was distributed during the March 11, 2019 meeting with changes to Table 1 on handwritten page 5. The proposal recommended a maximum sales cap for County-owned lots at \$235,000, rather than \$250,000, and the privately-owned lots to be \$245,000, rather than \$310,000.

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

This item was brought at the May 7, 2019 BCC meeting and this resolution was deferred to the Board of County Commissioners' meeting to be held on Tuesday, July 9, 2019.

**BCC Meeting  
July 10, 2019  
Research Notes**

**Item No. 8K3**

**File No. 190822 (190472)**

**Researcher: IL    Reviewer: TD**

**ANALYSIS:**

The purpose of this item is to increase the maximum sales price of homes sold through Miami-Dade County's Infill Housing Initiative Program (MDCIHIP) from \$205,000 up to \$235,000 for single family homes developed and for sale by 16 developers through MDCIHIP, grant an additional two-year extension from the effective dates of the amended and restated County Deeds to construct, complete and sell single family homes to qualified homebuyers through MDCIHIP, and that the extensions only be granted to those developers who were conveyed properties through County Deeds previously executed and recorded.

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

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

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

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**Item No. 8K3**

**File No. 190822 (190472)**

**Researcher: IL    Reviewer: TD**

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

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

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**Researcher: IL    Reviewer: TD**

**DEPARTMENTAL INPUT:**

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

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

Number of Properties Sold by Year - PHCD					
Fiscal Year	60k-90k	90k-110k	110k-150k	150k-205k	Total Number of Units Sold
10/2018 - 2/2019	1	2	11	25	39
10/2017 - 9/2018	0	3	27	72	102
10/2016 - 9/2017	2	5	38	68	113
10/2015 - 9/2016	4	5	49	45	103
10/2014 - 9/2015	4	5	32	59	100
10/2013 - 9/2014	1	6	50	66	123
10/2012 - 9/2013	0	26	52	63	141
<b>Total</b>	<b>12</b>	<b>52</b>	<b>259</b>	<b>398</b>	<b>721</b>

**APPLICABLE LEGISLATION/POLICY**

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

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

**Section 125.379(2) of the Florida Statutes**, (Disposition of County property for affordable housing) Properties identified as appropriate for use as affordable housing on the inventory list may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing.

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

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**Researcher: IL   Reviewer: TD**

**Section 125.411 of the Florida Statutes**, (Conveyance of land by County) relates to deeds of conveyance of lands.

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

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

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

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

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

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

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

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

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

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

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

**Resolution No. R-376-11**, adopted May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for use as affordable housing shall include detailed information on the property and the County's investment and future control.

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

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

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

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

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

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**Item No. 8K3**

**File No. 190822 (190472)**

**Researcher: IL   Reviewer: TD**

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

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

**Resolution No. R-1324-08**, adopted December 2, 2008, established the maximum sales price for the homeownership second mortgage program and homeownership units developed under the infill and housing development programs.

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

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

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

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

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

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

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

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

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

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

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



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**Item No. 8K3**  
**File No. 190822 (190472)**

**Researcher: IL    Reviewer: TD**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**BCC Meeting  
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**Item No. 8K3**

**File No. 190822 (190472)**

**Researcher: IL    Reviewer: TD**

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

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

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

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

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

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

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

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

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

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

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 8L3**

**File No. 191737 (191379)**

**Researcher: JFP Reviewer: TD**

RESOLUTION RESCINDING ADMINISTRATIVE ORDER 4-120 ON BUILDING PERMIT PROCESS ALTERNATIVES; APPROVING IMPLEMENTING ORDER 4-120 ON BUILDING PERMIT PROCESS ALTERNATIVES; UPDATING TERMS AND DEPARTMENT NAMES AND ADDING THE WORKFORCE HOUSING, AFFORDABLE HOUSING AND PACE EXPEDITED PLAN REVIEW PROGRAMS

**ISSUE/REQUESTED ACTION**

Whether the Board should rescind Administrative Order 4-120 and approve Implementing Order 4-120 on building permit process alternatives, consolidating previously approved Board actions related to expedited plan review programs for Workforce Housing, Affordable Housing, and Property Assessment Clean Energy (PACE) projects among others.

**PROCEDURAL HISTORY**

**Co-Prime Sponsors: Chairwoman Audrey M. Edmonson, District 3,  
Commissioner Daniella Levine Cava, District 8  
Department/Requester: Regulatory and Economic Resources**

This item was amended and forwarded to the BCC with a favorable recommendation, as amended, by the Infrastructure & Capital Improvements Committee at its June 11, 2019 meeting. The amendment offered by Commissioner Levine Cava reads as follows: on handwritten page 15 of the item, under workforce housing, number two, the words “or rent” should be added so this line reads, “The term workforce housing unit shall be construed to mean a living unit intended for sale or rent to individuals or households whose income is within the workforce housing target income range as defined in Chapter 33 of the Code of Miami-Dade County.”

Commissioner Levine Cava introduced the item and explained that hardworking families, millennials, and seniors experienced hardships with trying to find decent, affordable housing, and one of the impediments is the time it takes the County to review those applications. The proposed resolution formalizes the previous Board policies allowing for expedited alternate plan review—impacting workforce housing, affordable housing, and the Property Assessment Clean Energy (PACE) projects—in one implementing order (IO 4-120), thus providing the administration with a clear set of guidelines for processing these permits in a timely manner.

**ANALYSIS**

The purpose of this item is to consolidate previously approved Board actions related to expedited plan review programs for Workforce Housing, Affordable Housing, and Property Assessment Clean Energy (PACE) projects, among others, into Implementing Order (IO) 4-120, in effect rescinding Administrative Order (AO) 4-120 and formalizing building permit processes already being utilized by the Department of Regulatory and Economic Resources (RER). The adoption of this Implementing Order has no fiscal impact.

The Implementing Order adds the environmental plan review to the optional expedited plan review process, formalizes that each of the departments involved in the development process will expedite the review of plans submitted for workforce housing, affordable housing projects and PACE projects upon written request of the applicant, and establishes the conditions which must be satisfied to merit expedited plan review.

The below table depicts Administrative Order No. 4-120 and contrasts it with newly created Implementing Order No. 4-120, with underlined words denoting the changes proposed and words stricken through specifying deletions.

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 8L3**

**File No. 191737 (191379)**

**Researcher: JFP Reviewer: TD**

Administrative Order No. 4-120	Implementing Order No. 4-120
<p><b>Administrative Order No.: 4-120</b>  <b>Title:</b> Building Permit Process Alternatives  <b>Ordered:</b> 6/7/05      <b>Effective:</b> 6/17/05</p> <p><b>AUTHORITY:</b></p> <p>Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter, Sections 2-1266 and 8-6 of the Code of Miami-Dade County and Section 553.791 of the Florida Statutes.</p> <p><b>SUPEREDES:</b></p> <p>This Administrative Order supersedes Administrative Order 4-120 ordered September 24, 2002 and effective October 4, 2002.</p> <p><b>POLICY:</b></p> <p>It shall be the policy of Miami-Dade County (the County) to offer alternatives to the building permit process described in Administrative Order No. 4-115 to facilitate the timely issuance of building permits as provided for in the Florida Building Code, Florida Statutes and the Code of Miami-Dade County. These Alternatives shall include the alternative plans review and inspection process established under Section 553.791 of the Florida Statutes, an optional expedited plan review program and an expedited plan review program for green buildings to promote environmentally sensitive design and construction. This Administrative Order provides for those aspects of the County's alternative plans review and inspection process not specifically prescribed under Section 553.791 of the Florida Statutes, establishes the optional expedited plan review program and establishes the expedited plan review program for green buildings.</p> <p><b>DEFINITIONS:</b></p> <p>Unless otherwise specified in the Florida Statutes, the definition of words and terms used in this</p>	<p><b><del>Administrative</del> <u>Implementing</u> Order No.: 4-120</b>  <b>Title:</b> Building Permit Process Alternatives  <b>Ordered:</b> 6/7/05      <b>Effective:</b> 6/17/05</p> <p><b>AUTHORITY:</b></p> <p>Section <del>4</del> <u>5.02</u> of the Miami-Dade County Home Rule Amendment and Charter, Sections 2-1266 and 8-6 <u>and</u> <del>8-8.1</del> of the Code of Miami-Dade County and Section 553.791 of the Florida Statutes.</p> <p><b>SUPEREDES:</b></p> <p>This <del>Administrative</del> <u>Implementing</u> Order supersedes Administrative Order 4-120 ordered <del>September 24, 2002</del> <u>June 7, 2005</u>, and effective <del>October 4, 2002</del> <u>June 17, 2005</u>.</p> <p><b>POLICY:</b></p> <p>It shall be the policy of Miami-Dade County (the County) to offer alternatives to the building permit process described in Administrative Order No. 4-115 to facilitate the timely issuance of building permits as provided for in the Florida Building Code, Florida Statutes and the Code of Miami-Dade County. These Alternatives shall include the alternative plans review and inspection process established under Section 553.791 of the Florida Statutes, an optional expedited plan review program and an expedited plan review program for <del>gGreen bBuildings</del> <u>to promote environmentally sensitive design and construction, an expedited plan review program for developments including workforce housing units and affordable housing projects and an expedited plan review for improvements under the Property Assessment Clean Energy (PACE) program.</u> This <del>Administrative</del> <u>Implementing</u> Order provides for those aspects of the County's alternative plans review and inspection process not specifically prescribed under Section 553.791 of the Florida Statutes, establishes the optional expedited plan review program, <del>and</del> establishes the</p>

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### Research Notes

**Item No. 8L3**

**File No. 191737 (191379)**

**Researcher: JFP Reviewer: TD**

Administrative Order shall be as defined in Section 553.791 of the Florida Statutes and the Florida Building Code.

#### **PERMITTING PROCESS:**

Under the provisions of Section 553.791 of the Florida Statutes, the fee owner of a building may use a private provider to provide building code inspection services with regard to such building. This expedited permitting process shall be an alternative to the permit process involving plans review and inspection by the Building Department, and is not intended to affect the permit review, approval and inspection process which may be performed by operation of this Code by other County departments, including, but not limited to the Department of Environmental Resources Management, Planning and Zoning, Fire, Water and Sewer or Public Works. Nothing in this Administrative Order shall be construed to impair any review mandated by Federal or State law. Participation in this alternative plans review and inspection process shall not relieve the owner, design professional, private provider, or contractor from any of their respective responsibilities for compliance with the Florida Building Code. No approval or certification by a private provider of non-code compliant construction shall be deemed a waiver of any of the requirements of the Building Code.

Upon receipt of a complete application, the plans and application shall be reviewed by other County departments having jurisdiction. Following all required approvals, the Building Official shall stamp the plans "Permit Issued by Affidavit" and return the job copy to the applicant together with the permit for construction within the timeframes established under State law following submission of a complete permit application. Applicants shall be notified of a rejected submission. A permit application may be resubmitted to the Building Department by the applicant after any rejection when all required information has been compiled.

The Building Official shall accept a properly completed application, and authorize the construction without further examination or inspection subject to the quality control provisions of this Administrative Order.

expedited plan review program for ~~gGreen b~~Buildings, establishes the expedited plan review program for developments including workforce housing units and affordable housing projects and an expedited plan review for improvements under the Property Assessment Clean Energy (PACE) Program.

#### **DEFINITIONS:**

Unless otherwise specified in the Florida Statutes, the definition of words and terms used in this ~~Administrative~~ Implementing Order shall be as defined in Section 553.791 of the Florida Statutes and the Florida Building Code.

#### **PERMITTING PROCESS:**

Under the provisions of Section 553.791 of the Florida Statutes, the fee owner of a building may use a private provider to provide building code inspection services with regard to such building. This expedited permitting process shall be an alternative to the permit process involving plans review and inspection by the Building ~~Department~~ Official, and is not intended to affect the permit review, approval and inspection process which may be performed by operation of this Code by other ~~County departments~~ regulatory entities, including, but not limited to the ~~Department~~ Division of Environmental Resources Management of the Department of Regulatory and Economic Resources (RER), Planning and Zoning and Planning Review, Miami-Dade Fire-Rescue Department, Miami-Dade Water and Sewer Department or the Department of Transportation and Public Works. Nothing in this ~~Administrative~~ Implementing Order shall be construed to impair any review mandated by Federal or State law. Participation in this alternative plans review and inspection process shall not relieve the owner, design professional, private provider, or contractor from any of their respective responsibilities for compliance with the Florida Building Code. No approval or certification by a private provider of non-code compliant construction shall be deemed a waiver of any of the requirements of the Building Code.

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Applicants who file under this alternative plan review and inspection process cannot subsequently request plan examination, approval or inspection under the same permit application, but may request cancellation of the permit. Upon such cancellation, the permit applicant may file a new permit application which shall be treated as an application for a new permit, subject to all applicable requirements for fees, plans review, examination and inspection. Applicants may also request in writing, in forms to be developed for this purpose, the interpretation or reconsideration of an issue related to the Building Code or any technical codes in advance of filing the application. Such interpretation may be rendered by the responsible official, in writing, and a copy of the same will become part of the application. The Building Official shall be authorized to establish a fee to defray the cost of these services.

Any and all amendments to the permit application and related constructed documents must be submitted to the Building Department, and certified. For good cause shown, the Building Official may permit the substitution of any private provider or any person performing examination or inspection services, provided that the substitute person also satisfies the requirements of State law and this Administrative Order and an amendment to the permit application is properly filed.

The private provider performing required inspections shall provide notice to the Building Official of the date and approximate time of such inspection no later than 2 p.m. local time the prior business day. Inspections performed by inspectors qualified pursuant to this Section shall be recorded in a form acceptable to the Building Official. Such inspection records shall reflect all inspections performed, including the mandatory inspections required by the Building Code. The inspection records shall be maintained at the job site, and in the files of the private provider, available for review and inspection by the Building Official. The private provider shall immediately report to the Building Official: (1) any condition which poses an immediate threat to the safety of persons or property; or (2) the presence of any known violation of the Building

Upon receipt of a complete application, the plans and application shall be reviewed by other County departments having jurisdiction. Following all required approvals, the Building Official shall stamp the plans "Permit Issued by Affidavit" and return the job copy to the applicant together with the permit for construction within the timeframes established under State law following submission of a complete permit application. Applicants shall be notified of a rejected submission. A permit application may be resubmitted to the Building ~~Department~~ Official by the applicant after any rejection when all required information has been compiled.

The Building Official shall accept a properly completed application, and authorize the construction without further examination or inspection subject to the quality control provisions of this ~~Administrative~~ Implementing Order. Applicants who file under this alternative plan review and inspection process cannot subsequently request plan examination, approval or inspection under the same permit application, but may request cancellation of the permit. Upon such cancellation, the permit applicant may file a new permit application which shall be treated as an application for a new permit, subject to all applicable requirements for fees, plans review, examination and inspection. Applicants may also request in writing, in forms to be developed for this purpose, the interpretation or reconsideration of an issue related to the Building Code or any technical codes in advance of filing the application. Such interpretation may be rendered by the responsible official, in writing, and a copy of the same will become part of the application. The Building Official shall be authorized to establish a fee to defray the cost of these services.

Any and all amendments to the permit application and related constructed documents must be submitted to the Building ~~Department~~ Official, and certified. For good cause shown, the Building Official may permit the substitution of any private provider or any person performing examination or inspection services, provided that the substitute person also satisfies the requirements of State law and this ~~Administrative~~ Implementing Order and an amendment to the permit application is properly filed.



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Code which the contractor has failed or refused to correct.

For threshold buildings, the private provider shall be responsible for compliance with the requirements of Section 553.79 of the Florida Statutes, including the performance of inspections by or through a person qualified as a special inspector, and submission of the required written reports to the Building Official.

**REGISTRATION PROCESS:**

The Building Code Compliance Office shall register all architects, engineers and individuals certified under part XII of Chapter 468 of the Florida Statutes who apply to participate in the alternative plans review and inspection process under their specific discipline. The Building Code Compliance Office shall implement an on-line automated information system to provide building departments with instant notification regarding the status of any registered person in order to facilitate the issuance of permits under the alternative plans review and inspection process.

As a condition of registration, participating individuals shall provide to the Chief Building Code Compliance Officer, on forms to be developed for this purpose, proof of an active license as an architect under Part 1 of Chapter 481 of the Florida Statutes, an engineer under Chapter 471 of the Florida Statutes or inspector holding a standard certificate under part XII of Chapter 468 of the Florida Statutes. In addition, as a condition of registration, proof of insurance for professional and comprehensive general liability as required by State law must also be submitted.

The Director of the Building Department may suspend or exclude an owner, permit applicant, contractor, private provider or duly authorized representative from participating in the alternative plans review and inspection process established under Section 553.791 of the Florida Statutes for due cause. The decisions of the Building Department Director shall be final, subject only to appeal to the Board of Rules and Appeals of Miami-Dade County, within thirty days of rendition of the decision. Written notice of a decision to suspend or

The private provider performing required inspections shall provide notice to the Building Official of the date and approximate time of such inspection no later than 2 p.m. local time the prior business day. Inspections performed by inspectors qualified pursuant to this Section shall be recorded in a form acceptable to the Building Official. Such inspection records shall reflect all inspections performed, including the mandatory inspections required by the Building Code. The inspection records shall be maintained at the job site, and in the files of the private provider, available for review and inspection by the Building Official. The private provider shall immediately report to the Building Official: (1) any condition which poses an immediate threat to the safety of persons or property; or (2) the presence of any known violation of the Building Code which the contractor has failed or refused to correct.

For threshold buildings, the private provider shall be responsible for compliance with the requirements of Section 553.79 of the Florida Statutes, including the performance of inspections by or through a person qualified as a special inspector, and submission of the required written reports to the Building Official.

**REGISTRATION PROCESS:**

The ~~Building Code Compliance Office~~ Board and Code Administration Division of the RER Department shall register all architects, engineers and individuals certified under part XII of Chapter 468 of the Florida Statutes who apply to participate in the alternative plans review and inspection process under their specific discipline. The ~~Building Code Compliance Office~~ Board and Code Administration Division shall implement an on-line automated information system to provide building departments with instant notification regarding the status of any registered person in order to facilitate the issuance of permits under the alternative plans review and inspection process.

As a condition of registration, participating individuals shall provide to the ~~Chief Building Code Compliance Officer~~ Board and Code Administration Division, on

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exclude such person shall be given to the affected person by the Building Department Director and a copy of such notice shall be provided to the Building Code Compliance Office. In addition, the Building Official shall notify the Building Code Compliance Office of the referral of any complaint to the state board by the Building Department Director against any private provider.

**QUALITY CONTROL:**

The County, through its officials entrusted with the responsibility of performing plans review, shall perform audit reviews of at least 20% of all plans submitted through the alternative plans review and inspection process within thirty (30) days of permit issuance. The review will represent a random sample of construction types, prioritized based on public safety impact and anticipated completion date of construction. The review will place primary emphasis on the following issues: structural integrity, fire and occupant safety, egress requirements, sanitary facilities and access to persons with disabilities.

The County, through its officials entrusted with the responsibility of performing building inspections, shall perform quality assurance inspections representing up to 50% of all inspections identified in the Building Code as mandatory. The quality assurance inspections will be performed to determine job progress, compliance with approved permit documents, and violations, if any, of the Building Code. The inspections will represent a random sample of construction types, placing primary emphasis on foundation, framing and accessibility inspections. The inspections performed by the Building Department shall be for quality assurance purposes only, and shall not relieve the private providers of any obligation to perform the inspections and issue the certifications provided by law.

**FEES:**

The fees to be charged for the services provided under the alternative plans review and inspection process shall be in accordance with the fee schedule for the Building

forms to be developed for this purpose, proof of an active license as an architect under Part 1 of Chapter 481 of the Florida Statutes, an engineer under Chapter 471 of the Florida Statutes or inspector holding a standard certificate under part XII of Chapter 468 of the Florida Statutes. In addition, as a condition of registration, proof of insurance for professional and comprehensive general liability as required by State law must also be submitted.

The ~~Director of the Building Department~~ Building Official may suspend or exclude an owner, permit applicant, contractor, private provider or duly authorized representative from participating in the alternative plans review and inspection process established under Section 553.791 of the Florida Statutes for due cause. The decisions of the Building ~~Department Director~~ Official shall be final, subject only to appeal to the Board of Rules and Appeals of Miami-Dade County, within thirty days of rendition of the decision. Written notice of a decision to suspend or exclude such person shall be given to the affected person by the Building ~~Department Director~~ Official and a copy of such notice shall be provided to the ~~Building Code Compliance Office~~ Board and Code Administration Division of RER. In addition, the Building Official shall notify the ~~Building Code Compliance Office~~ Board and Code Administration Division of the referral of any complaint to the ~~sState bBoard~~ by the Building Department Director Official against any private provider.

**QUALITY CONTROL:**

The County, through its officials entrusted with the responsibility of performing plans review, shall perform audit reviews of at least 20% of all plans submitted through the alternative plans review and inspection process within thirty (30) days of permit issuance. The review will represent a random sample of construction types, prioritized based on public safety impact and anticipated completion date of construction. The review will place primary emphasis on the following issues: structural integrity, fire and occupant safety, egress requirements, sanitary facilities and access to persons with disabilities.



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Department authorized by the Board of County Commissioners.

**OPTIONAL EXPEDITED PLAN REVIEW PROGRAM:**

An optional expedited plan review program has been established in the Building Department as an additional permitting process alternative. This expedited plan review program is not available to permit applicants who opt to participate in the alternative plans review and inspection process established under State law. Under the program, the permit applicant has the option to request an expedited plan review in any one or more of the construction disciplines for applications of qualified projects, as determined by the Building Department Director, at an additional cost as established in the Department's fee schedule. The permit applicant will pay expedited plan review costs up front at the time the request for the service is made. The fees paid for the expedited plan review services will be in addition to regular permit fees and are non-refundable.

Plan reviews under the program will be performed by the Building Department staff. The Department will contract with plan review staff to perform plan review services after normal business hours and on weekends. Under the program, a separate review will be conducted in each of the following disciplines:

- Building (inclusive of Accessibility)
- Structural
- Mechanical (inclusive of Energy)
- Electrical
- Plumbing
- Roofing

**EXPEDITED PLAN REVIEW PROGRAM FOR GREEN BUILDINGS**

An expedited plan review program for green buildings has been established to ensure the timely processing of permit applications and review of plans by each of the County departments listed in Administrative Order No. 4-115 having responsibility for the review of residential

The County, through its officials entrusted with the responsibility of performing building inspections, shall perform quality assurance inspections representing up to 50% of all inspections identified in the Building Code as mandatory. The quality assurance inspections will be performed to determine job progress, compliance with approved permit documents, and violations, if any, of the Building Code. The inspections will represent a random sample of construction types, placing primary emphasis on foundation, framing and accessibility inspections. The inspections performed by the ~~Building~~ RER Department shall be for quality assurance purposes only, and shall not relieve the private providers of any obligation to perform the inspections and issue the certifications provided by law.

**FEES:**

The fees to be charged for the services provided under the alternative plans review and inspection process shall be in accordance with the fee schedule for the ~~Building~~ Department of Regulatory and Economic Resources authorized by the Board of County Commissioners.

**OPTIONAL EXPEDITED PLAN REVIEW PROGRAM:**

An optional expedited plan review program has been established in the ~~Building~~ Department of Regulatory and Economic Resources as an additional permitting process alternative. This expedited plan review program is not available to permit applicants who opt to participate in the alternative plans review and inspection process established under State law. Under the program, the permit applicant has the option to request an expedited plan review in any one or more of the construction disciplines for applications of qualified projects, as determined by the Building ~~Department~~ Director Official, at an additional cost as established in the Department's fee schedule. The permit applicant will pay expedited plan review costs up front at the time the request for the service is made. The fees paid for the expedited plan review services will be in addition to regular permit fees and are non-refundable.

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and commercial construction. Upon written request of the permit applicant, each reviewing department shall expedite the review of plans submitted for green buildings, provided the request to expedite meets all of the following conditions:

1. The expediting will be limited to the new construction of residential, commercial and industrial projects. Additions, alterations, repairs and the new construction of accessory structures are not eligible for expedited treatment.
2. The applicant submits at the time of the filing of the permit application an original or certified copy of a letter from the Florida Green Building Coalition or the United States Green Building Council indicating that the design has been registered or certified as a green building by the organization.
3. The project has a dollar value of \$50,000.00 or more.

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

George M. Burgess  
County Manager

Plan reviews under the program will be performed by the ~~Building~~ RER Department staff. The Department will contract with plan review staff to perform plan review services after normal business hours and on weekends. Under the program, a separate review will be conducted in each of the following disciplines:

- Building (inclusive of Accessibility)
- Structural
- Mechanical (inclusive of Energy)
- Electrical
- Plumbing
- Roofing
- Environmental Plan Review

**EXPEDITED PLAN REVIEW PROGRAM FOR GREEN BUILDINGS**

An expedited plan review program for ~~g~~Green ~~b~~Buildings has been established to ensure the timely processing of permit applications and review of plans by each of the County departments listed in Administrative Order No. 4-115 having responsibility for the review of residential and commercial construction. Upon written request of the permit applicant, each reviewing department shall expedite the review of plans submitted for ~~g~~Green ~~b~~Buildings, provided the request to expedite meets all of the following conditions:

1. The expediting will be limited to the new construction of residential, commercial and industrial projects. Additions, alterations, repairs and the new construction of accessory structures are not eligible for expedited treatment.
2. The applicant submits at the time of the filing of the permit application an original or certified copy of a letter from the Florida Green Building Coalition or the United States Green Building Council indicating that the design has been registered or certified as a ~~g~~Green ~~b~~Building by the organization.
3. The project has a dollar value of \$50,000.00 or more.

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**EXPEDITED PLAN REVIEW PROGRAM FOR  
WORKFORCE AND AFFORDABLE HOUSING:**

An expedited plan review program for developments inducting workforce housing units and affordable housing projects has been established to ensure the timely processing of permit applications and review of plans by each of the County departments listed in Administrative Order No. 4-115 having responsibility for the review of residential and commercial construction plans. Upon written request of the permit applicant, each reviewing department shall expedite the review of plans submitted tor developments including workforce housing units and affordable housing projects, provided the request to expedite meets all of the following conditions:

**WORKFORCE HOUSING**

1. Expedited plan review treatment will be limited to the new construction of developments or projects providing workforce housing units.
2. The term workforce housing unit shall be construed to mean a living unit intended for sale or rent to individuals or households whose income is within the workforce housing target income range as defined in Chapter 33 of the Code of Miami-Dade County.
3. The applicant submits at the time of the filing of the permit application a written request for expedited plan review and copy of the Housing Agreement and Declaration of Restriction.

**AFFORDABLE HOUSING**

1. Expedited plan review treatment will be limited to the new construction of affordable housing.
2. The term affordable housing shall be defined as housing which is intended for sale or rental to persons or families whose total

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household income is at or below 40 percent of the area median income (AMI).

3. The applicant submits at the time of the filing of the permit application a written request for expedited plan review and an original or certified copy of a Miami-Dade County funding award letter or letter documenting final award of State of Florida tax credits.

**EXPEDITED PLAN REVIEW PROGRAM FOR PROPERTY ASSESSMENT CLEAN ENERGY (PACE) PROGRAM**

An expedited plan review program for improvements to real properties associated with the PACE Program has been established to ensure the timely processing of permit applications and review of plans by each of the County departments listed in Administrative Order No. 4-115 having responsibility for the review of residential and commercial construction plans. Upon written request of the permit applicant, each reviewing department shall expedite the review of plans submitted provided the permit applicant submits a copy of Notice to Proceed from the PACE Provider approving the work to be completed under the PACE Program.

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

George M. Burgess Carlos A. Gimenez  
County ~~Manager~~ Mayor

Approved by County Attorney as  
To form and legal sufficiency.

**APPLICABLE LEGISLATION/POLICY**

**Section 553.791, Florida Statutes** governs alternative plans review and inspection related to building construction standards.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=553.791&URL=0500-0599/0553/Sections/0553.791.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=553.791&URL=0500-0599/0553/Sections/0553.791.html)

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**Administrative Order 4-120** relates to professional certification and the establishment of alternative plans review processes governed by Section 553.791 of the Florida Statutes.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO4-120.pdf>

**Ordinance No. 05-115** creating program for expedited review and approval of building permit applications for Green Building projects.

<http://intra/gia/matter.asp?matter=052225&file=false&yearFolder=Y2005>

**Ordinance No. 08-51** readopts the Workforce Housing Development Program ordinance that previously sunsetted.

<http://intra/gia/matter.asp?matter=081263&file=true&yearFolder=Y2008>

**Resolution No. R-347-09** adopts amendment to the Local Housing Assistance Plan incorporating the Affordable Housing Advisory Board's recommendations to encourage or facilitate the development of affordable housing.

<http://intra/gia/matter.asp?matter=091089&file=false&yearFolder=Y2009>

**Resolution No. 879-15** directed the Mayor to promote and encourage the use of the County's expedited plan review program for green buildings, develop a marketing strategy, and provide a report to the Board detailing those efforts; directed the Mayor to provide annual reports to the Board related to the green building expedited plan review program

<http://intra/gia/matter.asp?matter=151864&file=true&yearFolder=Y2015>

**Resolution No. R-324-16** directed the County Mayor to develop, negotiate and present agreements with Property Assessment Clean Energy (PACE) providers to the Board; established policy for the County with respect to Property Assessment Clean Energy; cancelled the request for a competitive solicitation for a Property Assessment Clean Energy program; and directed the County Mayor to prepare a report on how to expedite PACE related permits.

<http://intra/gia/matter.asp?matter=160764&file=true&yearFolder=Y2016>

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**Item No. 8L4  
File No. 191191**

**Researcher: CB   Reviewer: TD**

RESOLUTION REAPPOINTING MR. ERIK TIETIG AND MR. TOMMY VICK TO THE AGRICULTURAL PRACTICES ADVISORY BOARD.

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Dennis C. Moss, District 9  
Department/Requester: Regulatory and Economic Resources**

**ANALYSIS**

OCA completed the required background research regarding the reappointment of Mr. Erik Tietig and Mr. Tommy Vick to serve as members to the Agricultural Practices Advisory Board.

**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).



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**Item No. 8L7  
File No. 191321**

**Researcher: IL Reviewer: TD**

RESOLUTION APPROVING AN AIR POLLUTION CONTROL SPECIFIC OPERATING AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION AND MIAMI-DADE COUNTY FOR COOPERATIVE AIR POLLUTION CONTROL PROGRAM MANAGEMENT IN MIAMI-DADE COUNTY; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SPECIFIC OPERATING AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENTS TO THIS AGREEMENT FOR TIME EXTENSION AND TO EXERCISE THE CANCELLATION AND RENEWAL PROVISIONS CONTAINED HEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve an agreement between Miami-Dade County (County) and the Florida Department of Environmental Protection (FDEP) to provide cooperative air pollution control where FDEP delegates to Miami-Dade County certain permit functions typically done by FDEP.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

This item was brought before the Infrastructure & Capital Improvements Committee held on June 11, 2019 and forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The purpose of this item is to establish an agreement between the County and FDEP to provide cooperative air pollution control management within Miami-Dade County. The original operating agreement between Miami-Dade County and FDEP was signed in 1981. In 1995 a delegation of state air pollution control programs to Miami-Dade County was initiated and most recently renewed in 2016. Seven other Florida counties have similar agreements with FDEP.

Miami-Dade County retains 100 percent of the non-Title V air permit fees to offset the regulatory activities performed under this agreement. The proposed Agreement will expire at midnight on August 31, 2021.

The Fiscal impact for this agreement will be paid by approximately \$1.8 million dollars of revenue from Tag fees drawn out of the Air Pollution Tag Fee Trust Fund (SO 110 116) for tasks done in an effort to protect the County from air pollution. Any remaining tasks are to be paid by proprietary funds from the air quality management unit of RER. The Tag Fee reimbursement is based on Section 320.03(6) Florida Statutes. Of every vehicle registration with Miami-Dade County, a one dollar nonrefundable fee is charged to the vehicle owner. Seventy-Five cents of every dollar collected is remitted monthly to Miami Dade County to fund air pollution control programs administered by RER-DERM. Those funds are deposited into the County's Air Pollution Tag Fee Trust Fund (SO 110 116).

This resolution allows the County certain state permitting activities. Such delegation streamlines the permitting process and maximizes the impacts of both state and local efforts pursuant to state air rules. Any major source that has actual or potential emissions at or above the major source threshold for any "air pollutant" must attain a Title V Permit from the EPA. This function has been delegated to DERM under the local air quality program for Miami-Dade County. Under Chapter 62-4.050 of the Florida Annotated Code, "Procedures to Obtain Permits and Other Authorizations; applications" are listed some of the none Title V permit fees that DERM is charged with collecting:

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The samples below illustrate some of the Non Title V permit fees:

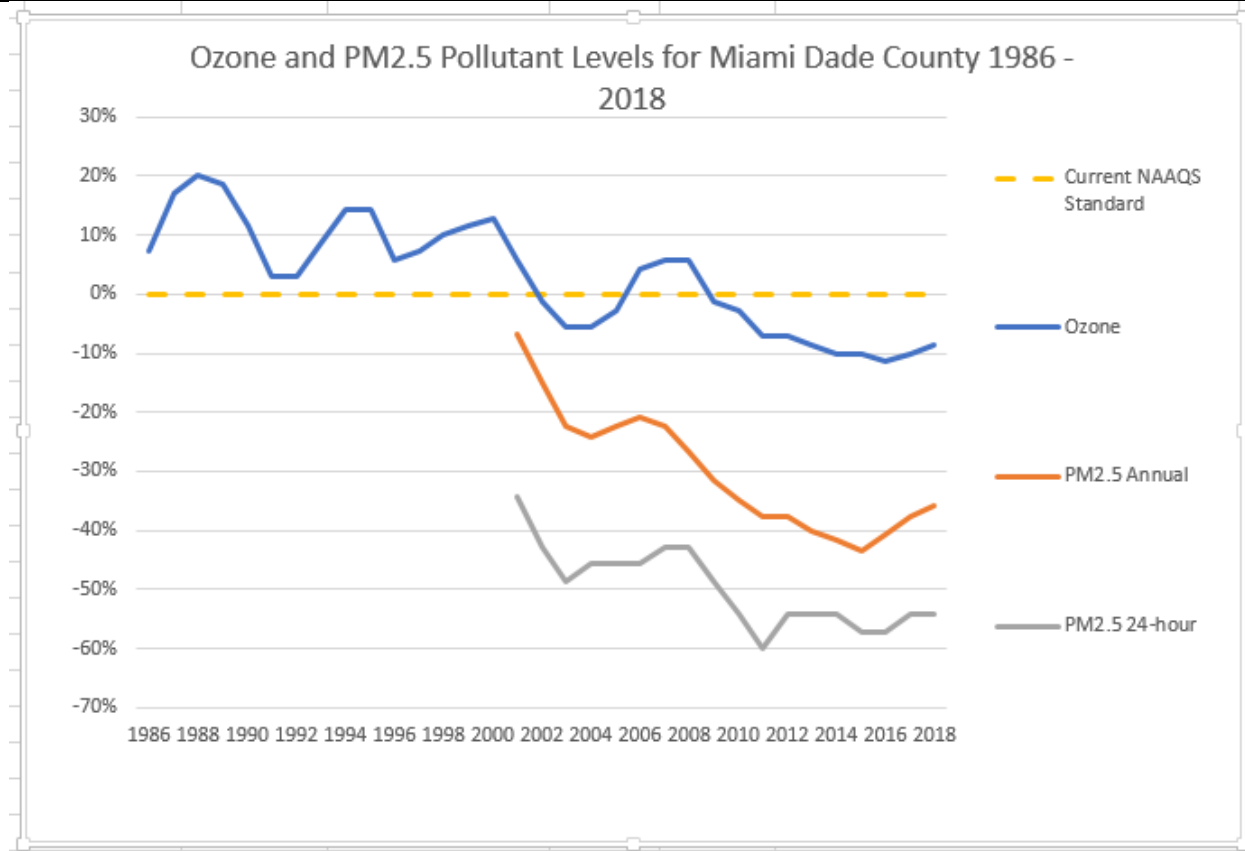
- |  |
|--|
| a. Construction permit for an emissions unit having potential emissions of 100 or more tons per year of any single pollutant.  |
| b. Construction permit for an emissions unit having potential emissions of 50 or more tons per year, but less than 100 tons per year, of any single pollutant.                                     |
| c. Construction permit for an emissions unit having potential emissions of 25 or more tons per year, but less than 50 tons per year, of any single pollutant.                                      |
| d. Construction permit for an emissions unit having potential emissions of 5 or more tons per year, but less than 25 tons per year, of any single pollutant.                                       |
| e. Construction permit for an emissions unit having potential emissions of less than 5 tons per year of each pollutant.  |
| 3. Operation Permit Fee for an Emissions Unit at a Non-Title V Source.   |
| a. Operation permit for an emissions unit required to measure actual emissions by stack sampling.  |
| b. Operation permit for an emissions unit required to measure actual emissions by any method other than stack sampling (such as visible emissions observation or continuous emissions monitoring). |
| c. Operation permit for an emissions unit not required to measure actual emissions.  |

*Below is a table illustrating Ozone pollutant levels for Miami-Dade County, provided by the Division of Environmental Resources Management (DERM). PM stands for Particulate Matter (PM)*

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**File No. 191321**

**Researcher: IL Reviewer: TD**



**DEPARTMENTAL INPUT**

**The following questions were asked of DERM on June 10, 2019, the responses are in bold:**

- How does the Tag fee re-imbursement work? **The Tag Fee reimbursement is based on Section 320.03(6) Florida Statutes. Of every vehicle registration within Dade County, a one dollar nonrefundable fee is charged to the vehicle owner and, per Section 320.03(6) Florida Statutes, 75 cents of every dollar collected is remitted monthly to Miami Dade County to fund air pollution control programs administered by RER-DERM. Those funds are deposited into the County's Air Pollution Tag Fee Trust Fund (SO 110 116). At the end of each fiscal year, RER-DERM submits a financial statement reflecting a summary of the tag fee expenditures and balances on the Tag Fee account to the Florida Dept of Environmental Protection (FDEP).**
- Is it related to the Title V fees? **Although also delegated by the State (FDEP) under the Specific Operating Agreement, the Title V funds are separated.**
- What is the estimated average cost annually that the County is being reimbursed for? **The RER-DERM Air Program receives approximately \$1.8 - \$2 million in revenue annually.**
- What tasks are reimbursed by the FDEP and what tasks are paid for by RER proprietary funds? **Tag fees, Title V, and other grants that are covered in the SOA with FDEP pay expenditures such as rent, daily operations,**

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salaries, laboratory services, field equipment, vehicles, etc. Proprietary funds are used to fund non-revenue functions within RER (Directors, Budget, Enforcement and Administrative Services) that support the operations of the Air Quality Management Division.

- Is this type of business relationship unique to Miami-Dade County or does FDEP have a similar reimbursement process for other Counties in Florida? **This is not unique to Miami Dade County, there are seven other Counties/local programs within the State that have similar Operating Agreements.**
- Do these Counties also receive revenue drawn out of the Air Pollution Tag Fee Trust fund (S0 110 116)?” should have been: **The Air Pollution Tag Fee Trust fund (S0 110 116) is specific to Miami Dade. Other Counties have established similar structures of reimbursement. Some of these other Counties include Broward, Hillsborough, Pinellas, and Orange County.**

**APPLICABLE LEGISLATION/POLICY**

**Title V, Operating Permits**, of Environmental Protection Agency, applies to any major source of emissions at or above the major source threshold for any “air pollutant”.

<https://www.epa.gov/title-v-operating-permits/who-has-obtain-title-v-permit>

**Section 320.03(6) of the Florida Statutes**, A nonrefundable fee of \$1 shall be charged on every license registration sold, transferred, or replaced. This fee must be deposited in the Air Pollution Control Trust Fund established in the Department of Environmental Protection and used only for purposes of air pollution control pursuant to chapter 403.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0300-0399/0320/Sections/0320.03.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0320/Sections/0320.03.html)

**Chapter 62-4 sub-section 62-4.050** of Florida Annotated Code, covers procedures to obtain permits and other authorizations; applications.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-4>

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**Item No. 8N2  
File No. 191417**

**Researcher: PGE   Reviewer: TD**

RESOLUTION APPROVING THE AWARD OF A CONTRACT IN THE AMOUNT OF \$350,738.08 TO P & J STRIPING, INC. FOR THE PROJECT ENTITLED PEOPLE'S TRANSPORTATION PLAN PAVEMENT MARKINGS INSTALLATION; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.2.7.01 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-53; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a contract award to P&J Striping, Inc. (P&J) in the amount of \$350,738.08 for the People's Transportation Plan Pavement Markings Installation project for a one-year term and authorize the use of Charter County Transportation Surtax funds for such purposes.

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

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

This item was considered at the June 11, 2019 meeting of the Infrastructure and Capital Improvements Committee wherein it was forwarded to the Board with a favorable recommendation as corrected. During the meeting, the following discussion transpired:

- The County Attorney brought attention to a scrivener's error, noting that on handwritten page 1 of the item under the Scope section, address number five should read *Northwest 67th Avenue from Lafayette Drive to North Royal Poinciana Boulevard located in District 6, represented by Vice Chairwoman Rebeca Sosa.*
- Commissioner Martinez found another scrivener's error on handwritten page 1 of the item under the Scope section; he noted that address number two (SW 137 Avenue from SW 8 Street to SW 26 Street) is located in Commission District 11, not District 12.

**ANALYSIS**

The purpose of this item is to authorize the use of Charter County Transportation Surtax funds totaling \$350,738.08 for a pavement markings installation project awarded to P&J for a one-year term. P&J was recommended for award following a competitive procurement under the County's Miscellaneous Construction Contracts Program (MCC) 7040 Plan, which is a rotational set-aside.

The total contract amount of \$350,738.08 consists of a base contract amount totaling \$278,268, a contingency amount of \$27,826.80 and dedicated allowances totaling \$44,643.28. The Fiscal Year (FY) 2018-19 Proposed Budget and Multi-Year Capital Plan documents this project as "Safety Improvements – Countywide." The project description is to *construct and/or provide improvements countywide to railroad crossings, sidewalks, bike paths, ADA ramps, street lights, pavement markings and school flashers.* For FY 2018-19, the revenue schedule shows \$500,000 in Charter County Transit System Surtax dollars and \$750,000 in People's Transportation Plan Bond Program dollars. It is unclear from a review of the mayoral memorandum how payment will be distributed, e.g., lump sum or linked to milestones and deliverables. A copy of the proposed contract is not included in the agenda package for this item.

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The project was advertised on October 11, 2018 under the MCC 7040 Plan. Notice was sent to 67 prequalified firms. P&J proffered the lowest, responsive and responsible bid. The County issued P&J an award letter on December 4, 2018 for the PTP Pavement Markings Installation project. The project has a 10 percent Community Workforce Program requirement. The scope of work includes pavement markings and signage of existing and new streets and bike lanes at designated sites across the County's maintenance road system. The work to be performed under this contract covers six sites touching Commission Districts 9, 11, 12, 13 and 6.

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

On July 5, 2019, OCA performed the following due diligence relating to P&J's fitness to receive a County contract:

- A search for P&J on the Capital Improvements Information System shows that the firm has an evaluation count of 17. Out of a possible maximum score of 4.0, P&J has an average evaluation rating of 3.5;
- A search for P&J on Sunbiz.org, the official State of Florida Division of Corporations website, shows the firm as a for-profit with a principal address at 9800 NW South River Drive, Medley, Florida. The company's president is Pedro Bermudez; and
- No contractor licensure information was found relating to P&J on the website of the Florida Department of Business & Professional Regulation. The contract requires the awardee to be a licensed contractor.

**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 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 2-8.2.7 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

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

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

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

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

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

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

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

**Section 29-124 of the County Code** relates to the Citizens' Independent Transportation Trust and provides that no surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without



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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=PTIIICOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSAS\\_UAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSAS_UAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

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

[https://library.municode.com/fl/miami -  
\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTCXIICOWOPR\\_S2-1701COWOPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

**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=PTIIICOR\\_CH2AD\\_ARTCXIICOWOPR\\_S2-1701COWOPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTCXIICOWOPR_S2-1701COWOPR)

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

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

**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-187-12**, adopted February 21, 2012, directs the County Mayor to include diligence information in memoranda recommending certain contract awards.

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

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

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

**Implementing Order No. 3-53** sets forth policies and procedures for the administration of the Miscellaneous Construction Contracts program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdf/files/IO3-53.pdf>

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Research Notes**

**Item No. 802  
File No. 191338**

**Researcher: IL Reviewer: TD**

RESOLUTION APPROVING RETROACTIVE CHANGE ORDER NO. ONE (FINAL) WITH YOUNGQUIST BROTHERS, INC., WAIVING LIQUIDATED DAMAGES IN AN AMOUNT NOT TO EXCEED \$36,000.00 AND AUTHORIZING A NON-COMPENSABLE TIME EXTENSION OF 45 DAYS FOR CONSTRUCTION OF AN INJECTION WELL AT THE CENTRAL DISTRICT WASTEWATER PLANT CONTRACT NO. S-869; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND EXERCISE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a retroactive Change Order No. 1 (final) with Youngquist Brothers Inc., with (Youngquist) waving the liquidated damages in an amount of \$36,000.00 and approving additional non-compensable time extension of 45 days.

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Water and Sewer Department (WASD)**

This item was brought before the Infrastructure and Capital Improvements Committee on June 11, 2019. The item was forwarded to the BCC with a favorable recommendation. Prior to the passage of the item the following discussion took place:

- Commissioner Joe Martinez inquired that if this items subject matter was completed about 2 years ago, why did it take so long for it to come before the committee for approval?
- Director of the Miami-Dade Water and Sewer Department Kevin Lynskey answered that Youngquist Brothers had an ongoing dispute with a small business enterprise group as to whether they were complying with the wages requirement. Youngquist was paying subsidies for housing and Youngquist considered that part of the wages. SBD said no and Youngquist was not in compliance and they had to pay back wages.
- Commissioner Joe Martinez asked where is that explanation on the item?
- Director Kevin Lynskey responded that it is not in the item.
- Commissioner Martinez requested Mr. Lynskey include an explanation be placed in the item.

**ANALYSIS**

The purpose of this item is to attain the Board's approval for a retroactive Change Order No. 1, waiving liquidation damages in the amount of \$36,000.00 and adding an additional non-compensable time of 45 days for the completion of construction of an injection well at the Central District Wastewater Treatment Plant. Approval of this resolution will extend the final completion date from the original April 15, 2017 to May 30, 2017 (one month and fifteen days). The substantial completion was achieved on May 22, 2017 and the construction project was completed and accepted by the County on September 27, 2017. This change order closes out the project.

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 has recorded that Youngquist Brothers, Inc. is in compliance with all wage requirements as of March 19, 2019.

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**Item No. 802**  
**File No. 191338**

**Researcher: IL Reviewer: TD**

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

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

The Fiscal Impact to the County for the waiver of the liquidation damages of this contract will be of \$36,000.00 and impacts Commission District 7, represented by Commissioner Xavier L. Suarez.

During the time that the construction project was underway, with the permission of WASD, Youngquist utilized the time associated with the contingency period to extract material during the drilling operations and to prepare the site for Hurricane Mathew. As the drilling operations advanced, Montgomery Watson and WASD staff agreed that several unforeseen geological conditions and unexpected construction difficulties occurred beyond the control of Youngquist. Because the setbacks were not caused by Youngquist the request for the time extension is justified according to the mayoral memo.

On May 21, 2013, the Board of County Commissioners authorized the execution of a Consent Decree between Miami-Dade County, the United States of America, the State of Florida and the Florida Department of Environmental Protection, for improvements to the County's wastewater collection and treatment system. WASD determined that the Central District Waste Water Treatment Plant (CDWWTP) requires replacement and/or upgrade of pump motors and their associated drives and electrical power and control systems. Improvements to the facilities are required pursuant to the Consent decree from the U.S. Environmental Protection Agency (U.S. EPA), Department of Justice (DOJ) and the Florida Department of Environmental Protection (FDEP), Case No 1:12-cv-24400-FAM.

<b>Firm</b>	<b>Sunbiz</b>	<b>Tax Collector</b>	<b>West Law</b>
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

OCA conducted a review of the Capital Improvement Information System pursuant to R-421-16, to attain the current average evaluation rating for Youngquist Brothers Inc. On June 5, 2019 the firm has an average rating of 3.5 out of 4.0.

As of July 1, 2019 no amendment has been made nor has a supplemental note been issued further explaining the SBD violation that Youngquist incurred in accordance with Commissioner Martinez's request at the June 11, 2019 ICI committee meeting.

**ADDITIONAL INFORMATION**

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

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

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**APPLICABLE LEGISLATION/POLICY**

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

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

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

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

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

**Section 2-8.5 of the County Code** Provides definitions, establishes a preference for local businesses and locally headquartered businesses, establishes exceptions, and allows for reciprocity agreements.

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

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

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 802**  
**File No. 191338**

**Researcher: IL Reviewer: TD**

**Ordinance 14-79 (Sea Level Rise)**, adopted September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require that in all agenda items related to planning, design, and construction of County infrastructure a statement be included that the impact of sea level rise has been considered; providing severability, inclusion in the code, and an effective date.  
<http://www.miamidade.gov/govaction/matter.asp?matter=141211&file=true&fileAnalysis=false&yearFolder=Y2014>

**Ordinance No. 14-77**, adopted September 3, 2014, created Section 2-8.2.12 of the Code of Miami-Dade County, and delegated to the County Mayor the authority to advertise, award, amend and negotiate contracts for goods and services, construction and professional services for the Miami-Dade Water and Sewer Department, to extend contract duration, to execute change orders and to settle claims without the need for prior Board approval.  
<http://intra/gia/matter.asp?matter=141981&file=false&yearFolder=Y2014>

**Administrative Order 3-39** establishes the standard procedures for user departments to implement, classify, track, monitor and report capital construction projects unless specifically exempted by State or federal law.  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-39.pdf>

**Implementation Order (I.O.) 8-8 (Sustainable Buildings Program)**, adopted on December 4, 2007, authorizing approval of Implementing Order 8-8: establishing guidelines to further the County's sustainable buildings program initiative, and authorizing the County Mayor or his designee to exercise any and all other rights conferred therein.  
<http://www.miamidade.gov/govaction/matter.asp?matter=080263&file=true&fileAnalysis=false&yearFolder=Y2008>

**Implementation Order (I.O.) 3-41, (SBE Program)**, establishes procedures related to the Miami-Dade County Small Business Enterprise Program.  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-41.pdf>

**Implementing Order (I.O.) 3-32, (Small Business Enterprise Architecture And Engineering Program)**: It is the policy of Miami-Dade County that not less than 10% of the County's total annual expenditures of all project specific contracts for professional architectural, landscape architectural, engineering, and surveying and mapping services, shall be expended with CBE-A/E's certified under the CBE-A/E ordinance.  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-32.pdf>

**Implementing Order (I.O.) 3-22, (Small Business Enterprise Construction Services Program)**: Except where Federal or State laws or regulations mandate to the contrary, this Implementing Order governs construction services (including design-build, alteration, installation, painting, maintaining or repairing a public improvement), funded in whole or in part by County funds for all Miami-Dade County departments and agencies.  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO03-22.pdf>

**Implementing Order (I.O.) 3-32 (Small Business Enterprise Architecture and Engineering Program)** Except where federal or state laws or regulations mandate to the contrary, this Implementing Order applies to all project specific awards, and multiple project contracts as mandated in the CBE-A/E ordinance.  
<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-32.pdf>

**Resolution No. R-187-12**, adopted February 21, 2012, Directs the Mayor to include due diligence information in memoranda recommending certain contract awards.  
<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&yearFolder=Y2012>

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 802**  
**File No. 191338**

**Researcher: IL Reviewer: TD**

**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-935-14**, adopted October 21, 2014, approves award of construction contract no. s-869: Central District Wastewater Treatment Plant - Industrial Waste Water Deep Injection Well System to Youngquist Brothers, Inc. in the total compensation amount of \$19,887,887.00 with a total contract term of 880 days

<http://www.miamidade.gov/govaction/matter.asp?matter=141777&file=true&fileAnalysis=false&yearFolder=Y2014>

**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: July 10, 2019  
Research Notes**

**Item No. 9A2  
File No. 191088**

**Researcher: CB    Reviewer: TD**

APPOINTMENT OF MICHAEL NOZILE TO SERVE AS A MEMBER OF THE MIAMI-DADE COUNTY YOUTH CRIME TASK FORCE ADVISORY BOARD.

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: Public Safety and Rehabilitation Committee  
Department/Requester: Juvenile Services Department**

**ANALYSIS**

OCA completed the required background research regarding the appointment of Michael Nozile to the Miami-Dade County Youth Crime Task Force Advisory Board.

**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:  
July 10, 2019  
Research Notes**

**Item No. 11A2  
File No. 191466**

**Researcher: IL Reviewer: TD**

RESOLUTION RESCINDING RESOLUTION NO. R-113-19 RELATED TO THE CONVEYANCE OF TWO COUNTY-OWNED PROPERTIES LOCATED AT 15300 SW 296TH STREET, MIAMI, FLORIDA AND 445 NW 12TH STREET, HOMESTEAD, FLORIDA TO LHP INVESTMENT AND DEVELOPMENT LLC, A FLORIDA LIMITED LIABILITY COMPANY, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO KEEP SUCH PROPERTIES ON THE MIAMI-DADE COUNTY'S AFFORDABLE HOUSING INVENTORY LIST

**ISSUE/REQUESTED ACTION**

Whether the Board should rescind resolution number R-113-19 related to the conveyance of two (2) County-owned properties to LHP Investment and Development, LLC. (LHP) for the purposes of developing such properties with affordable housing to be sold to very low- low- or moderate income households in accordance with the Miami-Dade Infill Housing Initiative Program (Infill Program).

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Daniella Levine Cava, District 8  
Requestor: None**

This item was brought before the Housing, Social Services and Economic Development committee meeting held on June 10, 2019, the item was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed resolution is seeking to rescind Resolution R-113-19, conveying 2 County owned properties to LHP because LHP advised the County's Public Housing Department that it was no longer interested in developing the properties. Moreover, since the deed has not been signed by the Chairwoman or Vice Chairwoman, the item requests that the Mayor retain these two properties in the Infill Housing Program roster.

The table below illustrates descriptive facts about the four (4) properties being conveyed as seen as attachment "F" in the Mayor's memo.

Property (Legal Description)	Address	Lot Size (Square ft.)	Market Value (2019)
1) "Dixie Estates "	15300 SW 296 Street Homestead, FL 33033	8,800	\$75,387.00
2) "Ponce De Leon"	445 NW 12 <sup>th</sup> Street Homestead, FL 33030	6,750	\$55,392.00

**BCC Meeting:  
July 10, 2019  
Research Notes**

**Item No. 11A2  
File No. 191466**

**Researcher: IL Reviewer: TD**

Picture illustrating 445 NW 12<sup>th</sup> Street, Homestead, FL 33033

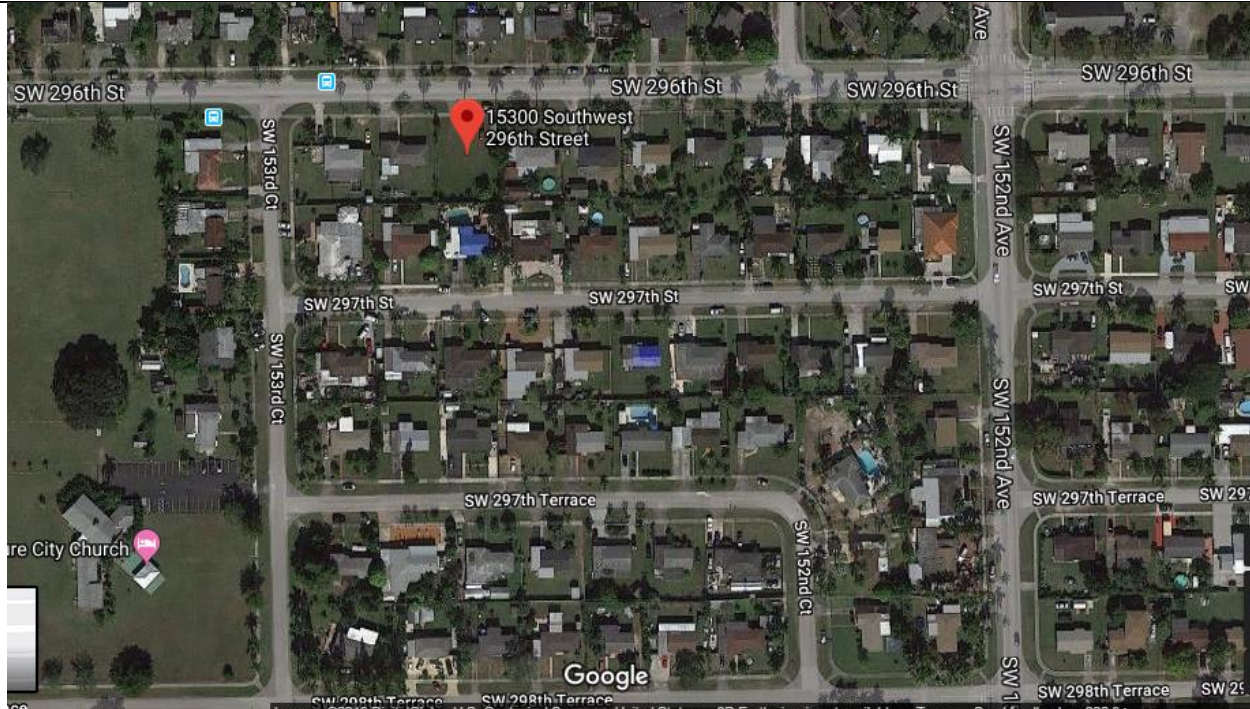


Picture illustrating 15300 SW 296<sup>th</sup> Street, Homestead, FL 33030

**BCC Meeting:  
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Research Notes**

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File No. 191466**

**Researcher: IL Reviewer: TD**



**DEPARTMENTAL INPUT:**

1. How was LHP selected? What other companies can perform the work besides LHP? Are these companies in a pool or on a rotation?

**The County Commissioner for District 8 established and advertised an application process for developers to apply for County-owned properties located in District 8, in order to construct affordable single-family homes through the Infill Program. LHP Investments & Development, LLC (LHP), submitted an application to the County Commissioner for District 8 requesting vacant properties.**

**The County Commissioner for District 8 assembled a committee to review the applications and make recommendations. Each applicant was evaluated based on specific criteria including, but not limited to, experience. The committee recommended that LHP be awarded two properties. Pursuant to Section 125.379(2), Florida Statutes, the County Commissioner for District 8 accepted the committee's recommendation to convey two County-owned properties to LHP.**

2. Is LHP in charge of developing other properties at this time? Does this new position effect those developments?  
**On July 11, 2018, LHP submitted an Application for Private Lots to the Infill Program. In a letter dated July 16, 2018, PHCD notified LHP that its two (2) private lots (folios: 30-3116-009-1480 and 30-3116-009-1485), were approved for the Infill Program.**



**BCC Meeting:  
July 10, 2019  
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**Item No. 11A2  
File No. 191466**

**Researcher: IL Reviewer: TD**

**In addition, through Resolution R-1190-18, adopted on November 8, 2018, LHP was awarded four (4) County-owned properties for the purpose of developing affordable housing through the Infill Housing Program.**

**LHP's decision to not accept the additional two (2) County-owned properties does not impact the development of the other lots.**

3. What is LHP's history with the county on these projects?

**LHP has reported (and provided pictures) that the foundations are ready to be poured for the two private lots. They have also reported (in writing), that they are working on the other four lots including, but not limited to, clearing violations and fines through the City of Homestead.**

4. How many properties have been developed under this program in District 8?

**Only a small portion of District 8 is considered a Target Urban Area. To date, one private lot has been developed in District 8 through the Infill Program.**

**This property was sold on June 12, 2018.**

**ADDITIONAL INFORMATION**

The Miami-Dade County Infill Program's purpose is to increase the availability of affordable homes for very low-, low- and moderate-income persons and households; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas; and generate payment of ad valorem taxes. The Infill Program encourages the sale or transfer of County-owned properties to Infill Developers. The Infill Developers are required to build the affordable homes. Although the Infill Program is primarily designed to create affordable homeownership of single family homes, the County, under limited circumstances, at its sole discretion, may allow Infill Developers to rent these homes to qualified individuals.

Developer's experience, qualifications and other evaluation criteria are reviewed as part of the Request for Proposal (RFP) solicitation process or as otherwise required for participation in the Infill Program. Minimum requirements are:

- 1) Relevant experience, qualifications, past performance and length of time in business;
- 2) Relevant experience and qualifications of key personnel, including key personnel of subcontractors, which will be assigned to the project, number of employees, and experience and qualifications of subcontractors;
- 3) Past performance on similar housing projects;
- 4) Financial strength and ability to provide start-up operations;
- 5) Financial capacity to build the homes;
- 6) Sample Marketing plan and skills to reach out to Eligible Households;
- 7) Provide project budgets, architectural plans, project schedules, operation of property and meeting time schedules; proposed sales price consistent with program sales cap;
- 8) Specific key tasks necessary to concurrently develop multiple lots to complete on time and within budget;
- 9) Contracts (past and current) with the County and describe if developer met project goals, timelines, and within budget;
- 10) Payment of County real estate taxes, code compliance liens and other County fees when due.

The Developer submits the completed application, required documents, and fee(s) 60 days prior to the sale of an eligible home to a qualified first-time homebuyer. After the sale of the Infill Home to a qualified first-time homebuyer, and after the

**BCC Meeting:  
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**Researcher: IL Reviewer: TD**

Warranty Deed and buyer's Restrictive Covenant is recorded, the Department will record the Release of County liens and citations.

Link to Miami-Dade County Infill Housing Developer Requirements:

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

Guidelines for the Miami-Dade County Infill Housing Initiative Program:

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

**APPLICABLE LEGISLATION/POLICY**

**Sections 125.379(1) &(2) of the Florida Statutes** (Disposition of county property for affordable housing), which requires each County in the State to prepare an inventory list of all real property within its jurisdiction to which the County holds fee simple title that is appropriate for use as affordable housing and properties identified as appropriate for use as affordable housing on the inventory list may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing.

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

**Section 125.411 of the Florida Statutes** (Conveyance of Land by County), sets forth the formality by which Deeds of Conveyance of lands are executed by County governments in the State of Florida.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0125/Sections/0125.411.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.411.html)

**Article VII Chapter 17 of the Code of Miami-Dade County** (Section 17-121 to 17-128) (*Infill Housing Initiative*): Has the intended purpose to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

[https://library.municode.com/FL/Miami\\_-\\_Dade\\_County/codes/Code\\_of\\_Ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVIIIHOIN](https://library.municode.com/FL/Miami_-_Dade_County/codes/Code_of_Ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIHOIN)

**Resolution No. R-974-09** (Filing Closing Documents BCC Clerk) adopted July 21, 2009, mentioned in the Mayoral memo, directs any resolution authorizing the execution of instruments creating a County interest in real property to require that such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.

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

**Resolution No. R-376-11** (County Owned Real Property Affordable Housing) adopted May 3, 2011, mentioned in the Mayoral memo, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control. <http://intra/gia/matter.asp?matter=110684&file=true&yearFolder=Y2011>

**BCC Meeting:  
July 10, 2019  
Research Notes**

**Item No. 11A2**  
**File No. 191466**

**Researcher: IL Reviewer: TD**

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

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

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

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

**Resolution No. 113-19** adopted February 5, 2019 declared surplus one county-owned property located at 15300 SW 296th Street, Miami, Florida and revising the inventory list of real properties, after a public hearing, to include such property and the county-owned property located at 445 NW 12th Street, Homestead, Florida, in accordance with Section 125.379(1), Florida Statutes; authorizing conveyance, pursuant to Section 125.379(2), Florida Statutes, of both county-owned properties to LHP Investment and Development LLC, A Florida Limited Liability Company, At a price of \$10.00, for the purpose of developing such properties with affordable housing to be sold to very low- low- or moderate- income households in accordance with Miami-Dade County's Infill Housing Initiative Program

<http://www.miamidade.gov/govaction/matter.asp?matter=182954&file=true&fileAnalysis=false&yearFolder=Y2018>

**Administrative Order No. 8-4** (Sale or Lease of County Real Property), adopted May 5, 1981, gives the Board the authority to sell or lease or otherwise dispose of County-owned real property:

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

**Implementing Order 3-44** (Infill Housing Program Initiative), adopted February 17, 2017, establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County whereby the procedures are established to carry out the goals of the Infill Program.

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

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 11A4**  
**File No. 191387**

**Researcher: CB   Reviewer: TD**

RESOLUTION APPOINTING GUSTAVO A. BARREIRO, CAROL BRICK-TURIN, TANIA BRITO, NATASHA COLEBROOK-WILLIAMS, PEDRO R. DIAZ, FRANCIS FRANCOIS, AND SPENCER ALLEN PYLANT TO THE MIAMI-DADE COUNTY COMMUNITY RELATIONS BOARD

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: Chairwoman Audrey M. Edmonson**  
**Department/Requester: N/A**

**ANALYSIS**

OCA completed the required background research regarding the appointment of Gustavo A. Barreiro, Carol Brick-Turin, Tania Brito, Natasha Colebrook-Williams, Pedro R. Diaz, Francis Francois, and Spencer Allen Pylant to serve as members to the Miami-Dade County Community Relations Board.

**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: July 10, 2019**  
**Research Notes**

**Item No. 11A5**  
**File No. 191473**

**Researcher: IL Reviewer: TD**

RESOLUTION APPROVING AMENDMENT NO. 4 TO THE INTERLOCAL AGREEMENT BETWEEN THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, AND MIAMI-DADE COUNTY, FLORIDA, FOR THE PROVISION OF INSPECTOR GENERAL SERVICES THROUGH THE OFFICE OF THE MIAMI-DADE COUNTY INSPECTOR GENERAL; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENT NO. 4 TO THE INTERLOCAL AGREEMENT

**ISSUE/REQUESTED ACTION**

Whether the Board should approve amendment number four to the Inter-local Agreement between the Miami-Dade County School Board and Miami-Dade County for the provision of Inspector General services through the office of the Miami-Dade County Inspector General.

**PROCEDURAL HISTORY**

**Prime Sponsor: Audrey M. Edmonson**

**Department/Requester: None**

This item was brought before the Housing, Social Services & Economic Development meeting held on June 10, 2019. The item was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed item seeks approval from the Board for Amendment No. 4 to provide Inspector General services from the Miami-Dade Office of Inspector General for the Miami-Dade County School Board (SB). The original inter-local agreement was approved by the Board on December 18, 2007 for a three year term and has been amended 3 times for 3-year periods. The agreement is scheduled to expire on December 18, 2019. This Fourth amendment allows for a renewal of the agreement should both parties agree to the renewal.

The fiscal impact is zero dollars. Miami-Dade County School Board assumes all costs for requested Inspector General services.

The SB provides office space and equipment suitable for the SB OIG needs to perform their responsibilities. The SB OIG investigates affairs concerning Miami-Dade County Public Schools to achieve their goals of preventing and detecting fraud, waste, financial mismanagement, or their abuses, and promoting accountability, integrity, economy, and efficiency in government. The SB OIG is not intended to duplicate work that other agencies (School Board Superintendent's office, Chief Auditor, Office of Civil Rights Compliance, Civilian Investigative Unit, Office of Professional Standards and Miami-Dade County Schools Police). It is however understood that there can be an overlap with the work that the SB OIG conducts concerning audits, investigations, inspections and reviews from time to time.

**DEPARTMENTAL INPUT**

The following questions were asked to the department on June 7, 2019,

- This relationship has been going on since 2008. How much has been reimbursed by the School Board? **The Board of Miami-Dade County first entered into an inter-local agreement (ILA) with the School Board of Miami-Dade County in 2007 for the provision of inspector general services. There have been three prior renewals of the ILA. Each renewal is for a three-year period and this item is the fourth amendment to the ILA, extending the term for an additional three years to expire on December 18, 2022. Miami-Dade County has been reimbursed to date by the School Board \$2,630,552.64 since inception. Attached s a table from the OIG.**

**BCC Meeting: July 10, 2019**  
**Research Notes**

**Item No. 11A5**  
**File No. 191473**

**Researcher: IL Reviewer: TD**

- How many OIG personnel are assigned to the School Board or are they assigned on an as needed basis? **There are no Miami-Dade OIG personnel assigned to the School Board. All School Board OIG staff are contracted personnel of the School Board. The Miami-Dade County OIG provides managerial, investigative, audit, contract oversight and legal assistance as needed, and is reimbursed for those services. The School Board OIG's annual budget includes funds for personnel, operating costs, and reimbursements to the County.**
- Just what has been investigated for the money spent? **The School Board OIG conducts investigations, audits and contract oversight of numerous School Board matters relating to the detection, investigation and prevention of fraud, waste, mismanagement, misconduct and abuse power. The School Board OIG also works collaboratively with law enforcement agencies such as the Miami-Dade State Attorney's Office Public Corruption Task Force and other internal and external administrative and regulatory agencies. The School Board OIG has investigated elected officials, school administrators, school employees and contractors and vendors doing business with the School Board.**

**ADDITIONAL INFORMATION**

In Miami-Dade, the OIG maintains oversight of over 25 county departments, including Aviation, the Seaport, Transit, Housing, Community and Economic Development, Water and Sewer, Solid Waste, Public Works and the Public Health Trust (JMH).

<http://www.miamidadeig.org/whatwedo2.htm>

**APPLICABLE LEGISLATION/POLICY**

**Section 2-1076 of the Code of Miami Dade County** created and established the Office of Miami-Dade County Inspector General. The Inspector General shall head the Office. The organization and administration of the Office of the Inspector General shall be sufficiently independent to assure that no interference or influence external to the Office adversely affects the independence and objectivity of the Inspector General.

[https://library.municode.com/fl/miami -  
\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTLXXVIIIICOETPUTR\\_S2-1076OFINGE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTLXXVIIIICOETPUTR_S2-1076OFINGE)



# Memorandum

Miami-Dade County Office of the Inspector General  
A State of Florida Commission on Law Enforcement Accredited Agency  
601 NW 1<sup>st</sup> Court ♦ South Tower, 22<sup>nd</sup> Floor ♦ Miami, Florida 33136  
Phone: (305) 375-1946 ♦ Fax: (305) 579-2656  
Visit our website at: [www.miamidadeig.org](http://www.miamidadeig.org)



To: Adeyinka Majekodunmi, Commission Auditor  
Office of the Commission Auditor

From: Mary T. Cagle, Inspector General  
Office of the Inspector General *[Signature]*

Date: June, 17, 2019

Subject: Request for Information - Re Item No. 191473 2C

Office of the  
Commission Auditor  
JUN 17 2019

On June 7, 2019, the Miami-Dade County Office of the Inspector General (OIG) received a request from your office pertaining to File No. 191473, "OIG." To wit:

1. This relationship has been going on since 2008. How much has been reimbursed by the School Board?

The Board of Miami-Dade County first entered into an inter-local agreement (ILA) with the School Board of Miami-Dade County in 2007 for the provision of inspector general services. There have been three prior renewals of the ILA. Each renewal is for a three-year period and this item is the fourth amendment to the ILA, extending the term for an additional three years to expire on December 18, 2022. Miami-Dade County has been reimbursed to date by the School Board \$2,630,552.64 since inception. The table below illustrates the amounts reimbursed by fiscal year (Source: FAMIS):

FY	Amount Reimbursed
2007-2008	\$183,657.78
2008-2009	552,687.36
2009-2010	375,743.73
2010-2011	249,370.89
2011-2012	284,368.53
2012-2013	198,285.05
2013-2014	192,959.97
2014-2015	202,875.89
2015-2016	99,939.97
2016-2017	100,617.76
2017-2018	125,874.59
2018-2019	64,171.12
TOTAL	\$2,630,552.64

2. How many OIG personnel are assigned to the School Board or are they assigned on an as needed basis?

There are no Miami-Dade County OIG personnel assigned to the School Board. All School Board OIG staff are contracted personnel of the School Board. The Miami-Dade County OIG provides managerial, investigative, audit, contract oversight and legal assistance as needed, and is reimbursed for those services. The School Board OIG's annual budget includes funds for personnel, operating costs, and reimbursements to the County.

3. Just what has been investigated for the money spent?

The School Board OIG conducts investigations, audits and contract oversight of numerous School Board matters relating to the detection, investigation and prevention of fraud, waste, mismanagement, misconduct and abuse of power. The School Board OIG also works collaboratively with law enforcement agencies such as the Miami-Dade State Attorney's Office Public Corruption Task Force and other internal and external administrative and regulatory agencies. The School Board OIG has investigated elected officials, school administrators, school employees and contractors and vendors doing business with the School Board. For more information, I have attached the Miami-Dade Public Schools OIG 2017-2018 Annual Report. Prior years' reports are available at <http://www.miamidadeig.org/MDCPS2.html>.

Should you need any further information, please do not hesitate to contact me at 305-375-1946.

Attachment

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 11A7  
File No. 191477**

**Researcher: LE   Reviewer: TD**

RESOLUTION RELATING TO MIAMI EXECUTIVE AIRPORT AND THE WINGS OVER MIAMI, INC. AVIATION MUSEUM ("WINGS MUSEUM") LOCATED THEREON; FINDING AND DETERMINING THAT THE CURRENT VALUE OF THE TANGIBLE AND INTANGIBLE BENEFITS PROVIDED BY THE WINGS MUSEUM FROM THE PRESENCE AND OPERATIONS OF WINGS MUSEUM AT SUCH AIRPORT JUSTIFIES INCREASING THE BENEFIT FACTOR AUTHORIZED BY THE FEDERAL AVIATION ADMINISTRATION FROM 25 TO 50 PERCENT OF WINGS MUSEUM'S ANNUAL NET OPERATING COSTS, WHICH IS APPLIED TO REDUCE THE RENTAL PAYMENTS DUE FROM WINGS MUSEUM UNDER ITS LEASE AGREEMENT WITH MIAMI-DADE COUNTY; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY THE 50 PERCENT BENEFIT FACTOR ANNUALLY TO WINGS MUSEUM'S LEASE AGREEMENT SUBJECT TO FEDERAL AVIATION ADMINISTRATION APPROVAL

**ISSUE/REQUESTED ACTION**

Whether the Board should approve applying a 50 percent benefit factor annually to Wings Over Miami Inc. (Wings Museum) lease agreement subject to Federal Aviation Administration (FAA) Approval.

**PROCEDURAL HISTORY**

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

**Department/Requester: None**

This item was forwarded to the BCC with a favorable recommendation during the Tourism and Ports (TAPS) meeting on June 12, 2019.

**ANALYSIS**

The purpose of this item is to request Board approval to apply the benefit factor authorized by the Federal Aviation Administration (FAA) from 25 to 50 percent of Wings Museum's annual net operating costs to be applied to the museum's rental payments under its lease agreement.

Through Resolution No. R-712-13, the Board determined that Wings Museum, had valuable benefits to the Kendall-Tamiami Executive Airport and to the civil aviation community throughout the County resulting from the activities and presence of the museum. The FAA reviewed Miami-Dade Aviation Department's (MDAD) proposal and economic analysis to have 25 percent of the museum's total cost of operations to be subtracted from the net operating costs. FAA approved it, provided that it would be done on a consistent basis for all similarly-situated facilities. Therefore, the museum was granted a 25 percent benefit factor that was equal to their annual net operating costs in which the annual value was applied to the rent due.

The proposed resolution suggests applying the 50 percent benefit factor, authorized by the FAA, from the museum's annual net operating costs to the rental payment due under the lease agreement with the County. This is based on MDAD providing an updated survey and analysis of the tangible and intangible benefits that the museum provides. MDAD has concluded and justified increasing the benefit factor to 50 percent.

The previous lease expired on June 30, 2018. Currently, the museum is on an administrative month to month lease as directed by MDAD. As part of lease agreement negotiations, the proposed resolution serves as a renegotiation point.

OCA performed a search on Sunbiz on July 3, 2019 and determined that they are a registered nonprofit organization.

**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 11A7  
File No. 191477**

**Researcher: LE   Reviewer: TD**

**DEPARTMENTAL INPUT**

On July 3, 2019, OCA sent out the following question to MDAD and received the following answers:

- What were the annual net operating costs for the Wings Museum for the last five years?

*Information is pending.*

- What is the current rent amount the museum is paying?

*The current adjusted rent they pay monthly is \$4,084.14*

- How many people tour the museum per year for the preceding five years?

*The museum has stated that they do not track the number of people that visit the museum. They said the problem in tracking is that it's not just people visiting the museum, they also host weddings, school kids, community events, Civil Air Patrol meetings, aviation related events, and various educational events.*

**ADDITIONAL INFORMATION**

Wing's Over Miami Air Museum is a hangar facility that has been used as an aviation museum since 1986. It contains a collection of vintage aircraft, military trainers, and jet aircraft from the Cold War era. The museum also has recurrent plane maintenance and renovation activity on site. Additionally, the museums hosts events year round, with relation to aviation and cars.

<https://www.wingsovermiami.com/>

**APPLICABLE LEGISLATION/POLICY**

**Resolution No. R-712-13**, adopted on September 4, 2013, approved a 25 percent benefit factor and authorized applying the value on an annual basis to the rents due from the Wings Museum.

<http://intra/gia/matter.asp?matter=131585&file=true&yearFolder=Y2013>

The **FAA Economic Analysis of Investment and Regulatory Decisions** provides guidance in conducting project-level benefit-cost analysis for related airport projects and determining regulations that are subject to FAA approval.

[https://www.faa.gov/regulations\\_policies/policy\\_guidance/benefit\\_cost/](https://www.faa.gov/regulations_policies/policy_guidance/benefit_cost/)



**BCC Meeting: July 10, 2019  
Research Notes**

**Item No. 11A10  
File No. 191618**

**Researcher: CB    Reviewer: TD**

RESOLUTION APPOINTING ONE VOTING MEMBER TO THE JACKSON HEALTH SYSTEM GENERAL OBLIGATION BOND CITIZENS' ADVISORY COMMITTEE

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: Chairwoman Audrey M. Edmonson  
Department/Requester: N/A**

**ANALYSIS**

OCA completed the required background research regarding the appointment of Victor Hugo Herrera to the Jackson Health General Obligation Bond Citizens' Advisory Committee.

**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: July 10, 2019  
Research Notes**

**Item No. 11A11  
File No. 191619**

**Researcher: CB   Reviewer: TD**

RESOLUTION APPOINTING ONE VOTING TRUSTEE TO THE PUBLIC HEALTH TRUST BOARD OF TRUSTEES FOR THE 2019-2022 TERM.

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: Chairwoman Audrey M. Edmonson  
Department/Requester: N/A**

**ANALYSIS**

OCA completed the required background research regarding the appointment of William J. Heffernan to serve as a voting member of the Public Health Trust Board of Trustees.

**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: July 10, 2019  
Research Notes**

**Item No. 15C1  
File No. 191683**

**Researcher: CB   Reviewer: TD**

APPOINTMENTS TO THE VIZCAYA MUSEUM AND GARDENS TRUST, INC. BOARD OF DIRECTORS.

**ISSUE/REQUESTED ACTION**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Clerk of the Board.**

**ANALYSIS**

OCA completed the required background research regarding the appointment of Terri Castellano, Victoria Cummock, Swanee DiMare, Charles Gibson, Christopher Hunt, Christina Martin, Damian Pardo, Charles Seitz and Adam Wolman to serve as members of the Vizcaya Museum and Gardens Trust, Inc. Board of Directors.

**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).