



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

Board of County Commissioners Meeting

March 3, 2020
9:30 A.M.
Commission Chambers

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

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**BCC Meeting: March 3, 2020
Research Notes**

Item No. 3A1

File No. 200376

Researcher: CB Reviewer: PGE

RESOLUTION APPROVING THE CITY OF MIAMI CODESIGNATION OF THAT PORTION OF SW 4TH STREET FROM SW 67TH AVENUE TO SW 72ND AVENUE AS “CALLE CARLOS LOPEZ VALDES”

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Rebeca Sosa, District 6.

Department/Requester: N/A

ANALYSIS

OCA completed the required background research on “Calle Carlos Lopez Valdes,” noting no adverse findings. Pursuant to Ordinance No. 18-79, OCA has determined there are no prior designations for “Calle Carlos Lopez Valdes.” Pursuant to Ordinance No.19-11, OCA has verified that “Lorenzo Carlos Lopez Valdes” is deceased.

APPLICABLE LEGISLATION

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

<http://intra/gia/matter.asp?matter=130511&file=true&yearFolder=Y2013>

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

<http://intra/gia/matter.asp?matter=181730&file=true&yearFolder=Y2018>

Ordinance No. 19-11, adopted on February 5, 2019, the report is also required to indicate whether the person to be honored is living or deceased.

<http://intra/gia/matter.asp?matter=182789&file=true&yearFolder=Y2018>

**BCC Meeting:
March 03, 2020
Research Notes**

Item No. 5B
File No. 200024

Researcher: EA Reviewer: YM

ISSUE/REQUESTED ACTION

ORDINANCE APPROVING, ADOPTING AND RATIFYING FISCAL YEAR 2018-19 END-OF-YEAR SUPPLEMENTAL BUDGET ADJUSTMENTS AND AMENDMENTS FOR VARIOUS COUNTY DEPARTMENTS AND FUNDS; AMENDING ORDINANCE NOS. 18-97, 18-99, AND 18-102 TO MAKE BUDGET ADJUSTMENTS; AMENDING SECTION 11-2 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ASSESSING AN ADDITIONAL COURT COST FOR VIOLATIONS OF STATE PENAL OR CRIMINAL STATUTES OR CERTAIN MUNICIPAL AND COUNTY ORDINANCES; REVISING THE USES FOR SUCH COSTS TO INCLUDE FUNDING FOR CRIMINAL JUSTICE TRAINING AND EDUCATION; RATIFYING AND APPROVING IMPLEMENTING ORDERS AND OTHER BOARD ACTIONS WHICH SET FEES, CHARGES AND ASSESSMENTS FOR FY 2018-19; APPROPRIATING GRANT, DONATION AND CONTRIBUTION FUNDS FOR FY 2018-19; PROVIDING SEVERABILITY, INCLUSION IN AND EXCLUSION FROM THE COUNTY CODE, AND AN EFFECTIVE DATE

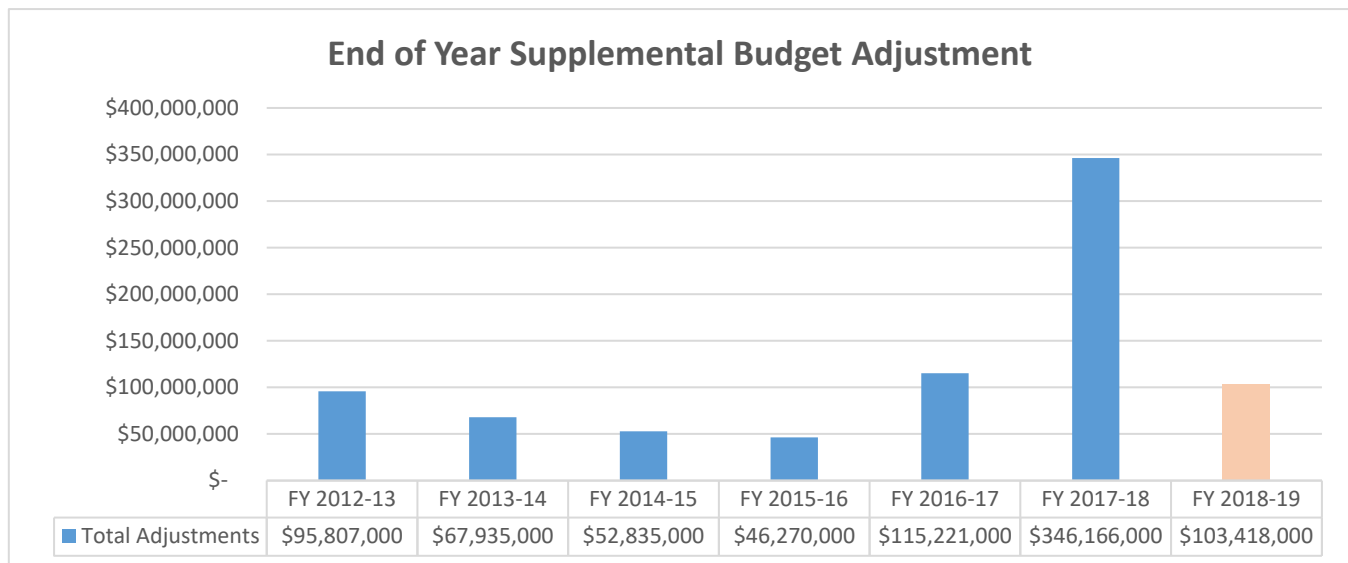
PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Office of Management and Budget

ANALYSIS

A budget supplement is required by the Miami-Dade County Charter and State law when expenditures exceed budgeted appropriations. Historically, the Office of Management and Budget (OMB) has released a Memorandum stating the total value of the adjustment on an annually basis. These amounts have fluctuated as follows:



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Researcher: EA Reviewer: YM

As part of our analysis, OCA reviewed the impact of the supplemental budget adjustments to incremental revenues as well as the budgeted and actual revenue and expenditures of the funds listed on the memo.

The table below is a summary of incremental revenues related to the funds.

OCA REVENUE CARRYOVER FINDINGS END OF YEAR 18-19 SUPPLEMENTAL				
Area	Supplemental Amount	Funded By	Carryover Surplus	OCA Findings
Commission on Ethics and Public Trust	\$55,000	Training Revenues	\$59,000	The current carryover fund balance is \$82,600. However, the FY 19-20 Adopted budget only reflects a carryover of \$14,000. Further review will be required to validate the cause of the difference. Available to use on activities related to lobbyist training, compliance and enforcement.
Community Action and Human Services	\$342,000	Trust Fund Contributions	\$18,000	Available to use on activities related to support services (i.e. treatment services, holiday baskets and utility assistance)
Community Action and Human Services	\$44,612,000	State and Federal Grant Revenues	\$1,232,000	Further review will be required to validate the cause of the surplus.
Convention Development Tax	\$768,000	Tourist Tax Revenues	\$133,000	The current carryover fund balance is \$3,452,000. However, the FY 19-20 Adopted budget does not reflect any carryover. Further review will be required to validate the cause of the difference.
Cultural Affairs Department	\$90,000	National Endowment for the Arts	\$29,000	The current carryover fund balance is \$329,000. However, the FY 19-20 Adopted budget only reflects a carryover of \$35,000. Further review will be required to validate the cause of the difference.
Information Technology Department	\$144,000	Customer Departments/Agencies	\$647,000	Further review will be required to validate the cause of the surplus.
Miami-Dade Fire Rescue	\$1,586,000	MDAD Payments	\$428,000	The current carryover fund balance is \$1,810,000. However, the FY 19-20 Adopted budget does not reflect any carryover. Further review will be required to validate the cause of the difference. Funds are available to be used for aviation related Fire Rescue support.

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Area	Supplemental Amount	Funded By	Carryover Surplus	OCA Findings
Miami-Dade Legal Aid	\$243,000	State of Florida for the Victims of Crime Act (\$115,000) and Florida Bar Foundation Grant (\$128,000)	\$72,000	Available to use on grant related activities. Carryover not budgeted for FY 19-20.
Miami-Dade Police Department	\$591,000	Grant Revenues from the U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs (DOS/INL) and the FEMA Urban Areas Security Initiative (UASI) Grant Received by MDFR	\$30,000	Available to use on grant related activities. The current deferred revenue balance is \$1,055,697.
Miami-Dade Police Department	\$5,960,000	Off-Duty Revenues	\$1,134,000	The current carryover fund balance is \$4,837,000. However, the FY 19-20 Adopted budget only reflects a carryover of \$2,419,000. Further review will be required to validate the cause of the difference.
People's Transportation Plan (PTP) Fund	\$9,609,000	PTP Surtax Revenue	\$3,795,000	Revenue received was more than the expenses for FY18-19. Further review to confirm the impact to the Budgeted carryover for FY 19-20 will be completed.
Professional Sports Franchise Facility Tax	\$724,000	Professional Sports Franchise Facility Tax Revenues	\$38,000	The current carryover fund balance is \$2,651,000. However, the FY 19-20 Adopted budget does not reflect any carryover. Further review will be required to validate the cause of the difference.
Tourist Development Surtax	\$433,000	Tourist Tax Revenues	\$21,000	The current carryover fund balance is \$224,000. However, the FY 19-20 Adopted budget does not reflect any carryover. Further review will be required to validate the cause of the difference.
Tourist Development Tax	\$1,415,000	Tourist Development Tax	\$80,000	The current carryover fund balance is \$686,000. However, the FY 19-20 Adopted budget does not reflect any carryover. Further review will be required to validate the cause of the difference.
Transportation and Public Works Department	\$80,000	Construction Permitting Fees	\$1,176,000	The current carryover fund balance is \$1,178,000. However, the FY 19-20 Adopted budget does not reflect any carryover. Further review will be required to validate the cause of the difference.
		TOTAL	\$8,892,000	

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As previously stated, the total value of all operating adjustments is \$103.418 million for FY 18-19. Below is a summary of the transactions for the operating adjustments including the reason for the adjustments and how they are funded:

END OF YEAR SUPPLEMENTAL (OPERATING ADJUSTMENTS)			
Area	Adjusted Amount	Funded By	Memo Explanation
Administrative Office of the Courts	\$1,489,000	Grant Revenues	For the Veteran's Treatment Court, Adult Drug Court, Family Dependency Court, Criminal Mental Health, Domestic Violence Mentor Court, Domestic Violence Court and Civil Division
Animal Services Department	\$239,000	Grant Revenues	Pet related expenditures (i.e. medical and pet supplies, pet retention initiatives and spay and neuter surgeries)
Board of County Commissioners	\$3,375,000	Countywide General Fund and UMSA General Fund	To reflect carryover for FY 2018-19
Commission on Ethics and Public Trust	\$55,000	Training Revenues	Six-month extension of online ethics training course, increased part time hours for additional ethics lobbyist trainings and construction work related to new office space in Overtown Transit Village
Community Action and Human Services	\$342,000	Trust Fund Contributions	For various support services (i.e. treatment services, holiday baskets and utility assistance)
Community Action and Human Services	\$44,612,000	State and Federal Grant Revenues	Head Start/Early Head Start and various meals programs and other community assistance initiatives (i.e. low-income home energy assistance program)
Convention Development Tax	\$768,000	Tourist Tax Revenues	Fairchild Tropical Botanical Garden to complete County - funded infrastructure improvements (\$500K) and Shortfall Revenue (\$268K)
Corrections and Rehabilitation Department	\$1,522,000	Improved Reentry Education Project (IRE) grant (\$238,000) and State Criminal Alien Assistance Program (SCAAP) Funds	For the continued improvement of inmate medical and mental health services
Corrections and Rehabilitation Department	\$197,000	Donations	For the continued improvement of inmate medical and mental health services
Corrections and Rehabilitation Department	\$58,000	Inmate Subsistence Fees	For the continued improvement of inmate medical and mental health services
Countywide General Fund	\$173,000	BCC Carryover Fund	Transfer from Board of County Commissioners Carryover Fund
Cultural Affairs Department	\$127,000	Children's Trust Grant	For youth and programmatic support

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Area	Adjusted Amount	Funded By	Memo Explanation
Cultural Affairs Department	90,000	National Endowment for the Arts Federal grant (\$70,000) and two Local Artists Agency State Grants (\$20,000)	For payment to local artists and programmatic support
Elections Department	\$1,203,000	Grant Revenues	Security measures at the Elections Department headquarters and elections related cyber security measures
Economic Development	\$455,000	Local Business Tax Receipts	Transfer to Beacon Council
Finance Department	\$154,000	Credit and Collection Revenues	Pay-As-You-Go Capital Improvement Fund and Postage expense as a result of additional collection efforts
Information Technology Department	\$144,000	Customer Departments/Agencies	Consolidation of countywide information technology (IT) functions and contracts.
Information Technology Department	\$15,000	Traffic Surcharge Revenues	800-Megahertz Radio System Maintenance project
Jackson Health Systems	\$20,056,000	Sales Surtax Revenues	Operating Expenditures
Juvenile Service Department	\$50,000	Grant Revenues	For the operation of the Juvenile Assessment Center
Miami-Dade Fire Rescue	\$2,356,000	Grant Revenues	For Urban Search and Rescue FY 2017/18 activations related to Hurricane Florence
Miami-Dade Fire Rescue	\$1,586,000	MDAD Payments	Employee overtime and termination payments at MDAD fire rescue facilities
Miami-Dade Legal Aid	\$243,000	State of Florida for the Victims of Crime Act (\$115,000) and Florida Bar Foundation Grant (\$128,000)	For the Adult Guardianship Program associated with the Put Something Back Program that screens and matches qualifying low-income residents with civil legal problems with pro bono lawyers
Miami-Dade Police Department	\$761,000	Additional Parking Ticket Surcharge Revenues	For the disbursement of parking ticket surcharge revenues to municipalities (\$345,000) and to MDPD (\$416,000)
Miami-Dade Police Department	\$591,000	Grant Revenues from the U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs (DOS/INL) and the FEMA Urban Areas Security Initiative (UASI) Grant Received by MDRF	To train police officers from other countries

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Area	Adjusted Amount	Funded By	Memo Explanation
Miami-Dade Police Department	\$5,960,000	Off-Duty Revenues	Salary and overtime expenditures in off-duty services as a result of the adopted collective bargaining agreement
Miami-Dade Police Department	\$1,148,000	Prior Year Carryover Balances	Transfer additional Law Enforcement Training Traffic Violation Fines funds reimbursing training, equipment and operational expenditures
Miami-Dade Police Department	\$1,000	Prior Year Carryover - City of Miami Gardens	Operating Expenditures
Miami-Dade Police Department	\$96,000	Town of Miami Lakes Contract Payments	Salary and overtime expenditures as a result of the adopted collective bargaining agreements
Office of Management and Budget	\$405,000	Federal Ryan White HIV/AIDS Treatment Grant Revenue	For the Ryan White HIV/AIDS Treatment program
Parks, Recreation and Open Spaces Department	\$581,000	Coastal Park and Marina Enterprise Revenues	Removal of seaweed
People's Transportation Plan (PTP) Fund	\$9,609,000	PTP Surtax Revenue	Transfers to the PTP Capital Expansion Fund, distributions to municipalities and debt service payments
Professional Sports Franchise Facility Tax	\$724,000	Professional Sports Franchise Facility Tax Revenues	Debt Service Reserve
Seaport Department	\$2,241,000	FEMA Grant Reimbursement	Recovery efforts related to Hurricane Irma. It is anticipated that future grant reimbursements from the FEMA will cover these costs. Any expenses disallowed by FEMA will be supported by Seaport operating funds
Tourist Development Tax	\$275,000	Tourist Development Tax	Distribution to Cultural Affairs Council (CAC)
Tourist Development Tax	\$275,000	Tourist Development Tax	Distribution to Debt Service
Tourist Development Tax	\$24,000	Tourist Development Tax	Distribution to General Fund for Administrative Reimbursement
Tourist Development Tax	\$24,000	Tourist Development Tax	Distribution to General Fund for Administrative Reimbursement
Tourist Development Tax	\$10,000	Tourist Tax Revenues	Distribution to General Fund for Administrative Reimbursement
Tourist Development Tax	\$825,000	Tourist Development Tax	Distribution to Greater Miami Convention and Visitors Bureau
Tourist Development Tax	\$417,000	Tourist Tax Revenues	Distribution to Greater Miami Convention and Visitors Bureau
Tourist Development Tax	\$16,000	Tourist Development Tax	Distribution to Tourist Development Council (TDC) for Administrative Support

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Area	Adjusted Amount	Funded By	Memo Explanation
Tourist Development Tax	\$6,000	Tourist Tax Revenues	Distribution to Tourist Development Council (TDC) for Administrative Support
Transportation and Public Works Department	\$80,000	Construction Permitting Fees	For engineering services associated with 5G projects
Transportation and Public Works	\$7,000	Grant Revenues	Grant Expenditures
UMSA General Fund	\$57,000	BCC Carryover Fund	Transfer from Board of County Commissioners Carryover Fund
Total	\$103,418,000		

Other adjustments listed on the EOY Memorandum released by OMB are as follows:

END OF YEAR SUPPLEMENTAL (OTHER ADJUSTMENTS)			
Area	Adjusted Amount	Funded By	Memo Explanation
Affordable Housing Trust Fund	\$497,000	Countywide General Fund	Transfer from CW General Fund to Affordable Housing Trust Fund
Corrections and Rehabilitation	\$2,316,000	Countywide General Fund	Additional costs required to comply with the Settlement and Consent Agreements with the United States Department of Justice, specifically related to the continued improvement of inmate medical and mental health services
Elections	\$901,000	Countywide General Fund	Expenses related to the 2018 general election recount and the three additional early voting sites for the 2018 general election approved by the Board
Metro-Dade Police Department	\$9,969,000	Homestead Exemption Mitigation Reserve	Additional overtime expenditures required to provide law enforcement resources at every public school in the Unincorporated Municipal Service Area
Pay-As-You-Go Capital Improvement Fund	\$3,389,000	Homestead Exemption Mitigation Reserve	Shot Spotter Program and building improvements at the Stephen P. Clark Center and various other County facilities related to security and elevators
Transportation and Public Works Department	\$74,405,000	PTP Surtax Revenue	For CNG Bus purchases and interest payments on CNG financing debt
Total	\$91,477,000		

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Researcher: EA Reviewer: YM

APPLICABLE LEGISLATION/POLICY

Miami Dade County Home Rule Charter Section 1.02(A) provides that the Board shall adopt its own rules of procedure and shall decide which actions of the Board shall be by ordinance or resolution, except as otherwise provided in this Charter and except that any action of the Board which provides for raising revenue, appropriating funds, or incurring indebtedness (other than refunding indebtedness), or which provides a penalty or establishes a rule or regulation for the violation of which a penalty is imposed shall be by ordinance.

[https://library.municode.com/fl/miami -
_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH_ART1BOCOCO_S1.02REOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTICOAMCH_ART1BOCOCO_S1.02REOR)

Florida Statute Section 129.06-Execution and Amendment of Budget - provides that:

(1) Upon the final adoption of the budgets as provided in this chapter, the budgets so adopted must regulate expenditures of the county and each special district included within the county budget, and the itemized estimates of expenditures must have the effect of fixed appropriations and may not be amended, altered, or exceeded except as provided in this chapter.

(2) The board at any time within a fiscal year may amend a budget for that year and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0129/Sections/0129.06.html

Resolution No. 195-05 (Adopted 02/01/2005) - provides the Commission Auditor to review, analyze and make recommendation to the commission regarding all budget amendments proposed by the County Manager.

<http://www.miamidade.gov/govaction/matter.asp?matter=050222&file=true&fileAnalysis=false&yearFolder=Y2005>

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**Item No. 5D
File No. 200021**

Researcher: CB Reviewer: PGE

ORDINANCE GRANTING PETITION OF LENNAR HOMES, LLC., FOR ESTABLISHMENT OF A COMMUNITY DEVELOPMENT DISTRICT GENERALLY BOUNDED ON THE NORTH BY BLACK CREEK CANAL (C-1), ON THE EAST BY BLACK CREEK CANAL (C-1), ON THE SOUTH BY SW 232 STREET, AND ON THE WEST BY SW 104 AVENUE; CREATING AND ESTABLISHING CRYSTAL CAY COMMUNITY DEVELOPMENT DISTRICT; PROVIDING FOR NAME, POWER AND DUTIES; PROVIDING DESCRIPTION AND BOUNDARIES; PROVIDING INTIAL MEMBERS OF BOARD OF SUPERVISORS; ACCEPTING PROFFERED DECLARATION OF RESTRICTIVE CONVENANTS; PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Parks, Recreation and Open Spaces

ANALYSIS

OCA completed the required background research regarding the appointment of Maria Carolina Herrera, Teresa Baluja, Yolexys Perez, Carmen Beatriz Herrera, and Yadira Monzon to the Crystal Cay Community Development District, noting no adverse findings.

APPLICABLE LEGISLATION

Resolution No. R-636-14, adopted on July 1, 2014, requires 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).

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

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**Item No. 8F1
File No. 200105**

Researcher: IL Reviewer: PGE

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$640,260.00 FOR A MODIFIED CONTRACT AMOUNT OF \$1,570,660.00 FOR CONTRACT NO. 81141902VITA18-ACS FOR THE PURCHASE OF IT RESEARCH AND ADVISORY SERVICES FOR THE INFORMATION TECHNOLOGY DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS, INCLUDING ANY RENEWAL OR EXTENSIONS OF THE CONTRACT, PURSUANT TO COUNTY CODE SECTION 2-8.1 AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority in an amount of up to \$640,260 for access Contract No. 81141902VITA18-ACS for the purchase of Information Technology Research and Advisory Services for the Information Technology Department (ITD).

PROCEDURAL HISTORY

Prime Sponsor: None


Department/Requester: Internal Services Department (ISD)

This item was brought before the HCCO Committee on February 13, 2020 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is to approve increased spending in an amount of up to \$640,260, for a modified total contract amount of \$1,570,660, for the purchase of information technology research and advisory services countywide. More specifically, the additional funds will be used to cover the cost of renewals of the 2020 and 2021 Gartner subscription services for participating departments (i.e., Aviation, Communications and ITD). The contracted services are essential to supporting the County's vast information technology infrastructure, including various initiatives and projects such as Enterprise Resource Planning (ERP) implementation and the replacement of the Criminal Justice Information System (CJIS). ITD utilizes the contract for consulting services as part of the subscription to help develop initiatives like the recent implementation of the Agile approach providing software development for client departments. This allows for development to take place with the end-users and ITD staff efficiently.

The County accessed this State of Florida contract with Gartner, Inc. in December 2018 for \$442,010. In April 2019, the contract was modified for \$488,361, resulting in a cumulative allocation of \$930,371. The contract expires on March 13, 2021. Services under this contract are purchased as annual subscriptions. When the contract was originally accessed, subscriptions were purchased for a one-year period. This modification addresses that by purchasing subscriptions for calendar years 2020 and 2021. The fiscal impact to the County under this item is \$640,260. Below is a chronology of Contract No. 81141902VITA18-ACS:

Approval Path	Date	Type	Dollar Amount
Administrative Approval	December 13, 2018	Established the Contract	\$ 442,010
Administrative Modification	April 24, 2019	Additional Expenditure	\$ 448,361
Total			\$ 930,371
File No. 200105	TBD	Proposed Additional Expenditure	\$ 640,260
Total			\$ 1,570,660  (69%)

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**Item No. 8F1
File No. 200105**

Researcher: IL Reviewer: PGE

OCA conducted a review of this contract in the Bid Tracking System's (BTS) Blanket Purchase Order tab on February 20, 2020 and found the following:

Department	Allocation Amount	Released Amount	Balance
ITD	\$ 930,371	\$ 797,845	\$ 132,525

OCA conducted a due diligence analysis of the awarded vendor on February 20, 2020 and found the following:

No.	Vendor Name	Sunbiz	DBPR	Tax Collector	West Law
1.	Gartner Inc.	<p>Foreign Profit Corporation</p> <p>Principal Address: 56 Top Gallant Road, Stamford, CT 06904</p> <p>Date Filed: 03/16/1998</p>	N/A	N/A	<p>1. Simmons v. Gartner, Inc., Case No. 3:20-CV-00098 filed in the U.S. District Court, Northern District of California (San Francisco) on January 03, 2020. Allegation: Defendant discriminated against Plaintiff on the basis of race by failing to provide accurate and complete wage statements and constructive discharge of his employment in retaliation in violation of public policy. Labor Code-Case Status: Removed from State Court to Federal Court, pending litigation, last motion filed was for leave to appear in Pro Hac Vice entered on January 29, 2020.</p> <p>2. Selwyn Simmons v. Gartner, Inc., Case No. CGC-19-579904 filed in the Superior Court, San Francisco County on October 9, 2019. Allegation: Defendant performed race discrimination and retaliation; defendant failed to prevent such discrimination and performed constructive discharge. Case Status: Pending litigation, last motion filed was for proof service on December 06, 2019. The Case Management Conference has been scheduled for March 11, 2020.</p>

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File No. 200105

Researcher: IL Reviewer: PGE

The Commodity Code for this contract is 91829 (Computer Software Consulting). A search under this code on February 28, 2020 on the Business Management Workforce System yielded 30 certified local small business firms.

DEPARTMENTAL INPUT

OCA posed the following questions to the Internal Services Department on February 19, 2020. As of the date of publication, they are pending response.

1. What is the interplay between Contract No. 81141902VITA18-ACS and Contract No. BW7289-4/08.
2. Can ISD produce any other contracts that offer support for ERP and CJIS system with their corresponding resolution numbers.

APPLICABLE LEGISLATION/POLICY

Florida Statutes 287.042(16) provides that to evaluate contracts let by the Federal Government, another state, or a political subdivision for the provision of commodities and contract services, and, if it is determined in writing to be cost-effective and in the best interest of the state, to enter into a written agreement authorizing an agency to make purchases under such contract.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.042.html

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

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-279-18, adopted April 24, 2018, authorizes the designated purchase of Oracle licenses, software products, training and technical support services for Miami-Dade County in an amount not to exceed \$3,265,000.

<http://www.miamidade.gov/govaction/matter.asp?matter=181064&file=false&fileAnalysis=false&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:
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**Item No. 8F2
File No. 200120**

Researcher: VW Reviewer: PGE

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-01197 GROUPS A AND B TO TABB TEXTILE CO., INC., GROUP D TO UNITED MATTRESS MATERIALS, INC., AND GROUP E TO CHESTNUT RIDGE FOAM, INC. FOR THE PURCHASE OF MATTRESSES AND LINENS FOR MULTIPLE DEPARTMENTS FOR A FIVE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$1,266,335.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD FOR GROUPS A,B,D, AND E, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize the approval of *Contract No. FB-01197* Groups A and B to Tabb Textile Co., Inc., Group D to United Mattress Materials, Inc., and Group E to Chestnut Ridge Foam, Inc. to purchase mattresses and linens in an amount of up to \$1,266,335 for a five-year period for multiple County departments.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

This item was forwarded to the BCC with a favorable recommendation by the Health Care and County Operations Committee at its February 13, 2020 meeting.

ANALYSIS

The purpose of this item is for the Board to approve the award of a long-term replacement contract – *Contract No. FB-01197* (Groups A, B, D, and E) – to purchase mattresses and linens for use by multiple County departments in an amount of up to \$1,266,335. More specifically, the contract will be used by the Corrections and Rehabilitation, Fire Rescue and Community Action and Human Services departments to support their operational requirements.

The solicitation included six groups as follows:

- Group A (Purchase of Pillows, Bed Linens and Towels; Non-Federal Funds)
- Group B (Purchase of Pillows, Bed Linens and Towels; Federal Funds)
- Group C (Purchase of Mattresses, Box Springs and Bedframes; Non-Federal Funds)
- Group D (Purchase of Mattresses, Box Springs and Bedframes; Federal Funds)
- Group E (Purchase of Clearview Mattresses and Pillows; Non-Federal Funds)
- Group F (Refurbishment of Mattresses; Non-Federal Funds)

Group C is a set-aside for County-certified local small business vendors. The replacement contract was advertised under full and open competition on July 30, 2019. Twelve bids were received in response to the solicitation by the August 15, 2019 Bid Open Date. Award of the contract was made to the lowest-priced responsive and responsible bidder in the aggregate per group. Group E is awarded to Chestnut Ridge Foam, Inc., Groups A and B to Tabb Textile Co., Inc., and Group D to United Mattress Materials, Inc. No award was made for Group F as the sole bidder was deemed nonresponsive by the County Attorney's Office for deviating from the solicitation's specifications for annual estimated quantity amounts

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Researcher: VW Reviewer: PGE

per item. Similarly, no award was made for Group C as no certified small business vendors submitted bids. Accordingly, the Administration will resolicit these groups.

The recommended replacement contract consolidates two current contracts for these services: *Contract No. FB-00141* (Pillows, Bed Linens, Mattresses, Box Springs and Bed Frames) valued at \$995,268 for a term of five years and two months and *Contract No. FB-01197B* (Mattresses and Linens) valued at \$250,000 for a term of eight months. Note that Chestnut Ridge Foam, Inc., the recommended awardee for Group E under the replacement contract, is the awarded vendor under *Contract No. FB-01197B*. The largest user of the replacement contract is the Corrections and Rehabilitation Department with 82% of the total allocation, i.e., \$1,038,926 of the total requested allocation of \$1,266,335.

For comparative purposes, OCA reviewed the Blanket Purchase Orders of the current contracts in the Bid Tracking System on February 26, 2020. For *Contract No. FB-00141*, the Blanket Purchase Order shows that of the \$995,268 allocation amount, a total \$914,948.80 has been released, leaving a balance of \$77,569.20. The contract expires on May 31, 2020. For *Contract No. FB-01197B*, the Blanket Purchase Order shows that of the \$250,000 allocation amount, a total of \$79,932.60 has been released, leaving a balance of \$170,067.40. The combined allocation of the current contracts (*No. FB-00141* and *No. FB-01197B*) is \$1,245,268, which is slightly lower than the \$1,266,335 allocation for the proposed contract (*No. FB-01197*). The table below displays the total and annualized allocations across the two current contracts and the replacement contract.

	Contract No.	Term	Total Allocation	Annual Allocation
Current Contracts	<i>FB-00141</i>	5 years and 2 months	\$995,268	\$192,632.50
	<i>FB-01197B</i>	8 months	\$250,000	\$375,000
Replacement contract	<i>FB-01197</i>	5 years	\$1,266,335	\$253,267

OCA conducted a search of the solicitation's commodity codes in the Business Management Workforce System on February 26, 2020: 85052 (Mattress Covers, Cotton or Vinyl); 85056 (Mattress Pads); 85060 (Mattress Protectors and Pillow Covers, Synthetic); 85084 (Ticking, Mattress and Pillow, Synthetic and Waterproofed); 96254 (Mattress and Bedspring Renovation and Repair); 56554 (Recycled Mattress and Pillow Manufacturing Equipment, Including Parts and Accessories); 42068 (Mattresses and Bedsprings, Including Fillers); 85063 (Pillows, All Types) and 57800 (Miscellaneous Products). That search yielded 13 local small business enterprise firms:

- Ballpark Maintenance, Inc.
- Holsen, Inc.
- Innovative Incentives, Inc.
- iPhone and iPad Warehouse LLC
- Lithografikos LLC

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- Maintenance Services 360 LLC
- Office Express Supplies, Inc.
- P. S. Systems, Inc.
- Pin Pan Pun, Inc.
- Plan B Concepts, Inc.
- The Tools Man, Inc.
- Toner Cartridge Recharge, Inc.
- Total Connection Inc.

OCA performed due diligence on February 26, 2020 pertaining to the recommended awarded vendors, Tabb Textile Co, Inc., United Mattress Materials, Inc., and Chestnut Ridge Foam, Inc.; the results are shown below.

Awarded Firm	Corporate Registration	Tax Collector's Office	Florida DBPR	Westlaw
Tabb Textile Co., Inc.	Domestic Corporation Active Principal Address: 511 Pleasant Drive Opelika, AL 36801 Filed: December 30, 1996	Nothing Found	No account on file	No relevant case found
United Mattress Materials, Inc.	Florida Profit Corporation Active Principal Address: 440 W 20 th St. Hialeah, FL 33010 Filed: October 13, 2010	Current and paid Business address: 440 W 20 th St. Hialeah, FL 33010	No account on file	<i>Zuniga v. United Mattress, Inc. et al</i> ; Case No. 1:17-CV-06751, filed in the U.S. District Court, Northern District of Illinois (Chicago) on September 19, 2017. Allegation: Class Action. Defendants failed to pay plaintiff and other employees all earned wages for all time worked at the rates agreed upon by the parties and illegally made deductions from their pay for shortages. Status: Dismissed with prejudice. <i>Martinez et al v. United Mattress Materials, Inc. et al</i> ; Case No. 1:14-CV-24004, filed in the U.S. District Court, Southern District of Florida (Miami) on October 27, 2014. Allegation: Class Action. Plaintiffs and the putative class employees sue defendants under the Fair Labor Standards Act for failure to pay

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				overtime wages. Status: Order approved FLSA settlement and dismissed action on 2/22/2016; case closed.
Chestnut Ridge Foam, Inc.	Foreign for Profit Corporation Active Principal Address: 443 Warehouse Drive Latrobe, PA 15650 Filed: July 24, 1986	Nothing Found	No account on file	No relevant case found

APPLICABLE LEGISLATION/POLICY

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

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Implementing Order No. 2-13 sets forth guidelines and procedures regarding legal opinions with respect to County competitive processes; the order requires written responsiveness opinions to be contained in the agenda package where the related matter is presented to the Board for consideration.

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

Implementing Order (I.O.) 3-38 (Purchasing of Goods and Services) governs the County's processes and procedures for the purchase of goods and services including professional services. It establishes the roles and responsibilities of the Internal Services Department, methods of purchasing goods and services, and the authority to award contracts. Contains requirements for access contracts, emergency purchases, bid waivers, confirmation purchases, and sole sources.

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

Resolution No. R-828-19, adopted in July 23, 2019, establishes a policy of the County for disclosure of past and present discrimination lawsuits in solicitation submissions.

<http://www.miamidade.gov/govaction/legistarfiles/MinMatters/Y2019/190936min.pdf>

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>

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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; and directing the county mayor to include such information in memorandum to Board pertaining vendor being recommended for contract.

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

Resolution No. R-140-15, adopted February 3, 2015, directs the mayor to conduct a full review, prior to re-procurement of replacement contracts for goods and services of the scopes of services or goods requested to ensure such contracts reflect the current needs of the county, to include information in recommendations to the Board, and to consult with the Small Business Development division, regarding solicitation and contract language.

<http://www.miamidade.gov/govaction/matter.asp?matter=150090&file=true&fileAnalysis=false&yearFolder=Y2015>

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&fileAnalysis=false&yearFolder=Y2012>

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

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

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**Item No. 8F3
File No. 200121**

Researcher: VW Reviewer: PGE

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1(B)(3) OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY IN AN AMOUNT UP TO \$915,992.00 FOR CONTRACT NO. FB 00461 FOR PURCHASE OF AQUATIC WEED HARVESTER BOATS FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL AND EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

ISSUE/REQUESTED ACTION

Whether the Board should authorize a designated purchase by a two-thirds vote of the members present to procure four replacement aquatic weed harvester boats in an amount of \$915,992 under *Contract No. FB-00461* for the Department of Transportation and Public Works (DTPW).

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Internal Services

This item was forwarded to the BCC with a favorable recommendation by the Transportation and Finance Committee at its February 12, 2020 meeting. Prior to passage, the following discussion transpired:

- Commissioner Higgins inquired whether the operations of the requested aquatic weed harvester boats involved the use of chemicals or whether the process was purely mechanical.
- Director of DTPW Alice Bravo responded that the operations of the aquatic weed harvester boats are purely mechanical.

ANALYSIS

The purpose of this item is for DTPW to receive increased spending authority totaling \$915,992 under *Contract No. FB-00461, Aquatic Weed Harvester Boats*, to replace four of the 16 aquatic harvest boats that the County utilizes to remove submerged aquatic weeds and other items illegally dumped in the Secondary Canal Drainage System and County waterways. Per the mayoral memorandum, the item is presented as a designated purchase because the requested increased spending exceeds the County Mayor's delegated authority. The awarded vendor, Aquarius Systems, is a manufacturer of surface water management equipment. Note that the requested amount of \$915,992 doubles the amount originally allocated in the present contract, considerably expanding the contract's scope.

The contract was originally approved on February 24, 2017 under the Mayor's delegated authority in the amount of \$915,992 for a three-year period (i.e., March 15, 2017 through March 31, 2020) which was then extended by three months through an administrative extension (until June 30, 2020) to purchase four aquatic weed harvester boats to replace boats that reached their useful life expectancy. The contract was competitively-solicited, with two bids received in response to the solicitation. The vendor ultimately chosen, D & D Products, Inc. d/b/a Aquarius Systems, offered the lowest price for the required boats. The solicitation required the awardee to be an industrial aquatic weed harvester manufacturer or an authorized dealer. This item is silent as to whether DTPW intends to establish a long-term replacement contract following the June 30, 2020 expiration date.

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The current price per boat will remain the same as the original 2017 contract price per boat, i.e., \$228,998. As of February 27, 2020, the contract's Blanket Purchase Order shows that the entire allocation of \$915,992 has already been released, leaving a zero balance with the contract set to expire in approximately four months, on June 30, 2020. The contract's cumulative allocation inclusive of the requested modification would be \$1,831,984.

The table below shows OCA's due diligence review of the awarded vendor, D & D Products, Inc.

Awarded Firm(s)	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
D & D Products, Inc.	Foreign Profit Corporation Active Principal Address: 200 N Harrison St North Prairie, WI 53153 Filed: April 16, 2019	Nothing Found	Nothing Found	Nothing Found

A February 27, 2020 Business Management Workforce System search for the solicitation's Commodity Codes 12008 (Airboats and Inflatable Boats) and 12021 (Boats, 21 Feet and Under) did not yield any certified local small business enterprises.

DEPARTMENTAL INPUT

OCA posed the following questions to the Internal Services Department on February 27, 2020. As of the date of publication, they are pending response.

1. Are the activities of the requested aquatic weed harvester boats purely mechanical or do they involve some sort of chemical process?
2. Why was the need to replace additional harvester boats not forecasted when original contract was requested?
3. What is the average useful life of the aquatic harvester boats?

ADDITIONAL INFORMATION

According to the company website, Aquarius Systems is the oldest and most experienced manufacturers of surface water management equipment in the world and the only major manufacturer to offer equipment built in the United States. Aquarius Systems is one of the premier aquatic weed harvester manufacturers nationwide. Like an underwater lawn mower, an aquatic weed harvester cuts the vegetation, collecting and storing the weeds on board. Aquatic weed harvesters are fitted with a pickup conveyor at the forward end of the machine, which can be lowered up to six feet deep to cut weeds. One horizontal and two vertical cutter bars sever the vegetation as the machine moves forward through the water, and, when the storage hold becomes full, the weed harvester returns to shore to unload.

<http://www.aquarius-systems.com/Pages/4/About.aspx>

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Below is a picture of an aquatic plant harvester boat taken from the company website:



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>

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. Of relevance for this item, IO 3-38 states that modifications to contracts under \$1,000,000 that were competitively awarded that increase the contract amount from below \$1,000,000 to over \$1,000,000 shall be approved by the Board of County Commissioners.

Any contract modification that increases the contract amount from below \$1,000,000 to over \$1,000,000 shall be approved by the Board of County Commissioners.

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

Section 2-8.1(b)(3) of the County Code sets forth procedures for purchases when competitive procedures are not practicable. This provision defines a designated purchase as a purchase when the purchase through the use of formal sealed bids is not practicable, including, but not limited to: (1) sole source purchases; (2) services where no competition

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exists such as public utility services; (3) where purchases or rates are fixed by law or ordinance; (4) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act; (5) purchase of goods and services necessary to address an emergency or where additional formal competition would not be practicable; and (6) solicitations where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

Any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present. Such adoption shall be deemed for all purposes to constitute a determination by the Board of County Commissioners that formal sealed bids are not practicable for this purchase and that it is in the best interest of the County to waive competitive bidding.

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

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

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

Resolution No. R-391-17, adopted April 4, 2017, directs the County Mayor to conduct competitive selections whenever feasible instead of expanding the term or services under existing contracts.

<http://www.miamidade.gov/govaction/matter.asp?matter=170534&file=true&fileAnalysis=false&yearFolder=Y2017>

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>

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Item No. 8L1
File No. 200091

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING TELEVISION, FILM AND ENTERTAINMENT PRODUCTION INCENTIVES PROGRAM GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND ENTERTAINMENT ONE REALITY PRODUCTIONS, INC. FOR REALITY TELEVISION SERIES “LATIN QUEENS” IN THE AMOUNT OF \$50,000 AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE SAME AND EXERCISE THE RIGHTS AND PROVISIONS THEREIN, INCLUDING TERMINATION

ISSUE/REQUESTED ACTION

Whether the Board should approve a \$50,000 TV, Film and Entertainment Production Incentive Program Grant Agreement between Miami-Dade County and Entertainment One Reality Productions, Inc. for the reality TV series *Latin Queens*.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Regulatory and Economic Resources (RER)

This item was heard at the Parks, Recreation and Cultural Affairs (PRCA) Committee meeting of February 13, 2020 and forwarded to the BCC with a favorable recommendation.

ANALYSIS

The purpose of this item is for RER to gain Board approval of a \$50,000 Miami-Dade County TV, Film and Entertainment Production Incentive grant for Entertainment One Reality Productions, Inc. to support the documentary-style TV series dubbed *Latin Queens*. The show, which will stream on Facebook Watch, is set to feature Spanish-language artists Thalia, Natti Natasha and Lali as they face the challenges of the music industry and fame while balancing motherhood and family. The unscripted show is to also shoot in New York City, but 38 of 48 total production days will be in Miami-Dade County. Grant funds are from the countywide General Fund and only disbursed following an audit of the project to ensure compliance with grant requirements.

Latin Queens has a total projected budget of \$5,722,374. Of that sum, per the mayoral memorandum, the total expected local expenditure is under \$1,000,000. Note, however, the grant application shows a total local expenditure sum of \$1,062,190. For the production, 20 County residents will be employed for the majority of the project; five employed individuals are not County residents. Approximately 75 percent of the cast and crew will be MDC residents.

The County’s TV, Film and Entertainment Production Incentive Program is a performance-based grant program that is based on County-centric criteria, with project eligibility determined on a case-by-case basis and falling under one of two tiers. Tier 1 requires a local spend of \$1,000,000 or more, and Tier 2 requires a local spend of \$500,000 to less than \$1,000,000. *Latin Queens* falls under Tier 2 based on its projected local expenditure. Tier 2 qualification criteria is bulleted below:

- Complete application and accompanying paperwork must be submitted prior to the start of the project;
- Minimum spend of \$500,000 to less than \$1,000,000 in Miami-Dade County with a maximum grant of \$50,000;
- Requires no less than 20 Miami-Dade County residents be hired as principal cast and crew members. Cast and crew (employees) qualify for the 20 minimum local hire but excludes extras/background talent. All 20 employees must be Miami-Dade County residents; and

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- Requires at least 70 percent of hired vendors and contractors to be Miami-Dade County registered businesses.

In addition to the tier-specific requirements, both tiers require the following of grantees:

- Each project is required to produce 70 percent of the entire production project in Miami-Dade County. This will be determined by a combination of a final production schedule and the final edited, ready-for-distribution project;
- Each project must pay qualified Miami-Dade County residents hired a minimum of the Living Wage per County Code Section 2-8.9;
- Each project must start principal photography or commence digital development (for digital projects) within 120 days of the Board of County Commissioners approving the grant agreement;
- Each project is required to include the official specialty “Miami-Dade County” identifier in the end credits on projects that include credits in their project. The identifier will be provided by the Miami-Dade Office of Film & Entertainment (OFE), which will require proof that it has been placed in the credits in the final distributed project;
- Each project must hire at least one student/recent graduate who is enrolled in an entertainment production educational program at a Miami-Dade County college or university on the date of the commencing of prep of principal photography of the production; or graduated less than one year prior to the date of the commencement of prep of principal photography from a Miami-Dade County college or university with a Bachelor’s or Master’s degree in film, video, media or digital media production, motion pictures or similar study, and currently resides in Miami-Dade County; and
- The production project spend is on qualifying payroll and qualifying expenses. Qualifying payroll is defined as payment of salary to Miami-Dade County residents for work on a majority of the production. Additionally, each project can include qualifying ancillary expenditures from businesses that are located within the Miami-Dade County boundaries.

Below is a table highlighting background information of the artists to be featured on *Latin Queens*.

Artist	Background	Achievements
Thalia	Mexican-born singer and actress, businesswoman and former child star	Numerous studio albums Concert tours Collaboration with other artists TV acting roles Awards Clothing line
Natti Natasha	Dominican-born singer-songwriter	Music singles Collaboration with other artists Awards
Lali	Argentine-born singer-songwriter, actress, dancer, model and former child star	Several studio albums TV and film acting roles Concert tours Awards

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Researcher: MF Reviewer: PGE

OCA performed due diligence on the awarded firm, Entertainment One Reality Productions, Inc. The results are shown below.

Awarded Firm	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
Entertainment One Reality Productions, Inc.	California Department of State Business Active Principal Address: 150 S. El Camino Dr. Suite 300 Beverly Hills, CA Filed: December 27, 2011	No account on file	No account on file	<i>Poppington, LLC, et al, v. Entertainment One Reality Productions, Inc., et al.</i> Case No. 20STCV01961, filed in Superior Court of Los Angeles County, California on January 15, 2020. Allegation: Defendant misrepresented plaintiff and failed to pay for the services provided by plaintiff, which resulted in damages. Case status: Pending court action – there is a scheduled case management conference on April 15, 2020.

ADDITIONAL INFORMATION

During the Florida Legislature 2020 Session, legislation was proposed via Senate Bill 334 that, if passed, would authorize counties that impose a tourist development tax to use the tax revenues to promote or incentivize film or TV productions. SB 334 was recently heard by the Senate Community Affairs Committee and recommended favorably. The current version of the Bill may be accessed here: <http://www.flsenate.gov/Session/Bill/2020/334/BillText/Filed/PDF>

The local media has written about this project seeking County funds in order to film the reality TV show. An article in Miami Today states the program is intended to be unscripted and will spend between 38 and 48 production days in the County.

<https://www.miamitodaynews.com/2020/02/11/latin-queens-series-seeks-miami-dade-film-funds/>

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code Section 2-8.9, (Living Wage Ordinance for County Service Contracts and County Employees), provides provisions for a living wage to be paid to service contractors, who are performing covered services and are hiring employees to cover said services.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.9LIWAORCOSECOEM

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Resolution No. R-615-19, adopted June 4, 2019, modified the minimum application requirements and procedures as established in Resolution No. R-783-17.

<http://intra/gia/matter.asp?matter=190728&file=true&yearFolder=Y2019>

Resolution No. R-828-19, adopted July 23, 2019, established a County policy for disclosure of past and present discrimination lawsuits in solicitation submissions; requiring the following: 1) implementing a policy of disclosure of discrimination lawsuits; 2) requiring in competitive and non-competitive solicitation documents the disclosure of lawsuits that include allegations of discrimination and dispositions of such lawsuits for a 10-year period through the date of the solicitation or non-competitive award recommendation; and 3) provide a report to the Board.

<http://www.miamidade.gov/govaction/matter.asp?matter=190936&file=true&fileAnalysis=false&yearFolder=Y2019>

Resolution No. R-783-17, adopted July 18, 2017, created the Miami-Dade County Television, Film and Entertainment Production Incentive Program, directing the county mayor or his designee to implement the program and establish guidelines to attract television, film and entertainment productions through rebates on expenditures within the County, providing minimum application requirements and procedures, and a maximum per production rebate under certain circumstances.

<http://intra/gia/matter.asp?matter=171747&file=true&yearFolder=Y2017>

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**Item No. 8N1
File No. 193054**

Researcher: MF Reviewer: PGE

RESOLUTION APPROVING CONTINUATION OF SPENDING AUTHORITY BEYOND MARCH 7, 2020 FOR AN ADDITIONAL YEAR FOR WORK ORDERS RELATED TO THE STRATEGIC MIAMI AREA RAPID TRANSIT (SMART) PLAN THROUGH THREE EXISTING PROFESSIONAL SERVICES AGREEMENTS FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS: 1) CONTRACT NO. CIP142-TR-15-PE1 WITH WSP USA, INC., FORMERLY KNOWN AS PARSONS BRINCKERHOFF, INC.; 2) CONTRACT NO. CIP142-1-TPW16-PE1(1) WITH PARSONS TRANSPORTATION GROUP, INC.; AND 3) CONTRACT NO. CIP142-1-TPW16-PE1(2) WITH AECOM TECHNICAL SERVICES, INC. (AECOM)

ISSUE/REQUESTED ACTION

Whether the Board should approve a continuation of Professional Services Agreements (PSA) between the County and WSP USA Inc., Parsons Transportation Group, Inc., and AECOM Technical Services for work orders related to the Strategic Miami Area Rapid Transit (SMART) Plan for one additional year.

PROCEDURAL HISTORY

Prime Sponsor: N/A

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

This item was heard at the February 19, 2020 BCC meeting and deferred. Previously, this item was listed on the BCC agenda of February 4, 2020, at which the Board invoked the four-day rule. Initially, this item was heard at the Transportation and Finance Committee meeting of January 15, 2020 and forwarded to the BCC with a favorable recommendation.

Below is a synopsis of the dialogue that transpired at the February 19, 2020 BCC meeting.

- Commissioner Barbara J. Jordan pointed out that the item was for an extension of time and that more than \$60 million is being spent on ongoing studies pertaining to the SMART Plan.
- Commissioner Joe Martinez then stated that in 2017 the BCC had approved \$11 million for each study (maximum) and that the cost was not supposed to be over that amount. Pertaining to the East-West Corridor, Mr. Martinez stated that the corridor runs from the MIC to 107th and Tamiami Trail and that there was a count of 30,000 homes located west of FIU; yet the study focuses on moving people from the MIC to FIU, which he labeled “stupid.” Regarding funding, Mr. Martinez inquired about the funding source for the Plan, pointing to the Mayor’s memo, which stated that funding would be from the Federal Transit Administration, the State of Florida, et al.; he requested clarification on whether surtax funds would be used.
- DTPW Director Alice Bravo stated that the contracts are for general engineering construction and studying the SMART Plan but the contracts also encompass other assignments. Pertaining to the East-West Corridor (for which WSP USA, Inc. is the consultant), there has been \$10.2 million spent on that study to date.
- Commissioner Martinez pointed to the Mayor’s memo, which states that the contract has \$1.4 million left – yet more money is being requested with this item.
- Ms. Bravo stated that the company has so far encumbered \$10.2 million for, primarily, the East-West Study and other assignments. Ms. Bravo also stated that previously, the former BCC Chairman, Commissioner Esteban Bovo, wanted to make sure the studies were moved along quickly for implementation – so it was

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decided that work orders related to the SMART Plan would require an annual reauthorization at the BCC. The request before the BCC is for that reauthorization for another year to continue working on the SMART Plan.

- Mr. Martinez noted that he did not think so – because the Department also intends to spend the \$10 million that the company was awarded in 2019.
- Ms. Bravo stated that as the study moves along, the County can apply for funding.
- Commissioner Martinez stated that although this request was an extension of time – it really is not because the company wants to be able to spend the \$10 million that was awarded in 2019.
- Ms. Bravo clarified that funds have not been awarded – this would be a contract allocation. As the study moves from the study phase to the implementation phase, that is when the company would receive additional funding and issue additional work orders to implement the project.
- Commissioner Martinez stated that if the Board does not authorize the time extension – the company cannot spend the \$10 million.
- Ms. Bravo stated that if the time extension is not authorized, then all work on the SMART Plan would stop.
- Commissioner Martinez countered, stating that not all work stops, and the assumption that if the County does not give money “the world comes to a halt” needs to stop. He then made a motion requesting that the proposed \$10 million for the East-West corridor be stopped immediately, not grant the extension of time and not continue that study. He pointed out that according to what he had read, the company is also collaborating with MDX to place a bus within the corridor.
- Ms. Bravo stated that as per the contract, if the subject request is not approved then on March 6, 2020, the County would stop working on existing work orders for the East-West corridor.
- Commissioner Martinez further inquired as to the details of the study, pertaining to specific areas that have not already been studied.
- Ms. Bravo responded new data must be updated from the 1990s, pertaining to ridership models based on population, and the required steps in order to receive project approval and funding from other agencies.
- Commissioner Martinez questioned studying something obsolete – it only goes to FIU. He stated the bus depot that is being built at 147th Ave will be as empty as the rest of them. This study, he said, does not take it there. He said the County was spending a lot of money for something that cannot work.
- Commissioner Martinez also stated that so much money has been spent on consultant after consultant and nothing has been added to the rail system.
- Chairwoman Audrey Edmonson stated it was a good idea to defer the item and requested for DTPW staff to meet with her on this issue and to meet with the other commissioners.
- Ms. Bravo reminded the Board of the March 6, 2020 deadline; she also stated that the funding is not all for studies – but for project continuation to pursue federal funds.
- Commissioner Dennis Moss stated it is important to look at the consultant contracts to review how the funds have been spent on all the studies.
- Commissioner Jose “Pepe” Diaz said he would like to see the differences in routes, pertaining to the studies, the cost, and the separate studies with each funding allocation.

The Board then deferred the item to the March 3, 2020 BCC meeting.

ANALYSIS

The purpose of this item is for the Board to authorize the continuation of three professional services agreements related to the SMART Plan for another year, beyond March 7, 2020. Board approval is required for any spending authority

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for work orders related to the SMART PLAN that exceed one year from the effective date of the original resolutions approving the PSAs on March 7, 2017. The PSA awards are as follows:

- Contract No. CIP142-TR-15-PE1 – WSP USA, Inc. (formerly known as Parsons Brinckerhoff, Inc.)
- Contract No. CIP142-1-TPW16-PE1(1) – Parsons Transportation Group, Inc.
- Contract No. CIP142-1-TPW16-PE1(2) – AECOM Technical Services, Inc.

Under the PSAs, the consultants are required to deliver a range of planning, engineering, survey, architectural, landscaping, technical, management and administrative services as needed to assist in executing projects in the DTPW's Capital Improvement Plan and in implementing the SMART Plan, including the Bus Express Rapid Transit Network and emerging technologies such as autonomous vehicle implementation.

There is no fiscal impact for this extension. Funding for these services will be provided by federal funding agencies, FDOT and local sources on a project-by-project basis in accordance with negotiated fees and tasks described in each work order. The Board approved an increase in contract amounts for each PSA and authorized work orders for an additional year (beyond March 7, 2019) for the SMART Plan on February 5, 2019, pursuant to Resolutions Nos. R-151-19, R-152-19 and R-153-19. The present request will allow the firms to continue to work for another year under the previously approved allocated amounts from the 2019 legislation.

Table 1 shows a fiscal summary of the PSAs awarded to WSP USA Inc., Parsons Transportation Group, Inc., and AECOM Technical Services from 2017 through 2019, respectively. As depicted – with the approval of this request – the total value to date for all three companies is \$60,500,000.

Table 1

Awarded Firms	2017 Approvals (R-256-17, R-257-17, R-258-17)	2018 Approval (R-226-18)	2019 Approvals (R-151-19, R-152-19, R-153-19)	Total Contracts Amount to Date (including contingencies)
WSP USA Inc. (formerly Parsons Brinckerhoff, Inc.)	\$11,000,000	1-year Extension of Time	\$10,780,000 (contract increase amount)	\$21,780,000
Parsons Transportation Group, Inc.	\$11,000,000	1-year Extension of Time	\$9,130,000 (contract increase amount)	\$20,130,000
AECOM Technical Services	\$11,000,000	1-year Extension of Time	\$7,590,000 (contract increase amount)	\$18,590,000
TOTAL				\$60,500,000

The requestor Department also submitted a status update on four of the six SMART Plan corridors, as well as the BRT Network component. Below is a brief synopsis of each one.

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- ❖ **East-West Corridor** – 11 miles (FIU-Miami Intermodal Center, MIA)
 - The project team will coordinate with the Federal Transit Administration (FTA) after the selection of the Locally Preferred Alternative (LPA). The final National Environmental Policy Act (NEPA) document should be completed in early 2020.
- ❖ **South Corridor** – 20 miles (Florida City-Dadeland South Metrorail Station)
 - The project team submitted a Small Starts Package to the FTA, requesting \$100 million FTA Capital Investment Grant Program funding in August 2019, and is expecting a grant agreement with FTA in April 2020.
- ❖ **Beach Corridor** – 11.5 miles (Miami Design District-Downtown Miami-MacArthur Causeway-Miami Beach Convention Center)
 - The County issued an RFP for a Rapid Mass Transit Solution for the Beach Corridor Trunk Line in September 2019 and is expected to receive proposals in March 2020. DTPW initiated the environmental, geotechnical and utility explorations to provide data to potential proposers.
- ❖ **North Corridor** – 10 miles (MLK Metrorail Station-NW 215th Street along NW 27th Avenue)
 - The BCC directed County staff to issue an RFP to design, build, operate and maintain an elevated fixed guideway transit system for the North Corridor.
- ❖ **Bus Rapid Transit (BERT) Network** (Routes: Flagler Corridor, South Miami-Dade Express, NW Miami-Dade Express, SW Miami-Dade Express, Florida's Turnpike Express North, Florida's Turnpike Express South, Beach Express North, Beach Express Central and Beach Express South)
 - Three public meetings are scheduled for 2020; The BERT study is slated to be completed by the end of 2020.

OCA conducted due diligence on January 10 and 13, 2020 and again on February 10 and 20, 2020, pertaining to all three firms: WSP USA, Inc.; Parsons Transportation Group, Inc.; and AECOM Technical Services, Inc. Below are the findings.

Note: Since the item was last heard at the BCC meeting of February 19, 2020, OCA found two court cases: one involving WSP USA Inc. and the other one regarding Parsons Transportation Group Inc.

Awarded Firms	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
WSP USA, Inc. (formerly Parsons Brinckerhoff, Inc.)	Foreign Profit Corporation Active Principal Address: One Penn Plaza New York, NY Filed: March 5, 1973	Business Address: 7250 NW 19 St. #300 Miami, FL Status: \$1,087.50 due	Active Licensed for: Architect Business; Geology Business, Registry	<i>Nautilus Insurance Company v. Parsons Brinckerhoff Inc., n/k/a WSP USA Inc. et al.</i> Case No. 1:20-CV-00620 in U.S. District Court, Northern District of Illinois (Chicago). Allegation: Plaintiff seeks an order declaring

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				that it has no duty under the insurance policy to defend or indemnify defendant company against underlying lawsuit on the basis that the policy provides no coverage for the defendant company. The complaint centers upon an original lawsuit filed March 10, 2017 to which WSP was added as a defedant later on August 9, 2018; the basis for the lawsuit is construction negligence. According to the complaint, Parsons (a/k/a WSP) contracted with the Chicago Transit Authority to perform construction management services and that a Parsons employee ordered an employee to move a 400-lb. steel beam manually instead of using a machine, resulting in the employee snapping his lower back. Case status: Pending court action	
Parsons Transportation Group, Inc.	Foreign Profit Corporation Active Principal Address: 100 M Street SE #1200 Washington, DC Filed: September 11, 1974	Business Address: 7600 NW 19 St. #104 Miami, FL Status: Paid and Current	Active Licensed for: Certified General Contractor; Construction Financial Officer; Construction Business Information; Architect Business; Registry	<i>Arch Insurance Company v. Parsons Transportation Group, Inc.</i> ; Case No. 4:19-CV-02718 filed October 7, 2019 in U.S. District Court, Eastern District Missouri (St. Louis). Allegation: Plaintiff seeks declaratory judgment against defendant to an indemnity agreement between the design builder and designer for the services about the construction property.	

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				Case status: Pending court action; as of January 22, 2020, the case was transferred to another district judge.
AECOM Technical Services, Inc.	Foreign Profit Corporation Active Principal Address: 300 S. Grand Ave. 9 th Floor Los Angeles, CA Filed: August 21, 1995	Business Address: 800 Douglas Rd. #200 Coral Gables, FL Status: Paid and Current	Active Licensed for: Geology Business; Real Estate Corporation; Certified General Contractor; Landscape Architect Business; Architect Business; Certified Building Contractor; Construction Financial Officer; Construction Business Information; Registry	<i>Marie Hogan v. AECOM Technical Services, Inc.</i> ; Case No. 19STCV40072 filed November 7, 2019 in Los Angeles County Superior Court. Allegation: Class action complaint – Defendants failed to pay minimum overtime wages for all hours worked, to provide accurate wage statements, to provide meal and rest periods to plaintiff and other class members and engaged in unfair business practices in violation of Labor Code. Status: Pending court action; there is a scheduled status conference for June 22, 2020 and a case review scheduled for January 25, 2021.

ADDITIONAL INFORMATION

A complete SMART Plan summary may be accessed via the Miami-Dade Transportation Planning Organization (TPO). <http://www.miamidadetpo.org/smartplan.asp>

OCA performed Internet searches regarding WSP USA, Inc., Parsons Transportation Group, Inc., and AECOM Technical Services, Inc. on January 13, 2020. Below is an overview of some of the projects the awarded firms have completed.

- WSP USA, Inc. – One World Trade Center, New York; Presidio Parkway, San Francisco, CA; Pearl Harbor Memorial Bridge, New Haven, CT <https://www.wsp.com/en-US>
- Parsons Transportation Group, Inc. – I-80 SMART Corridor, San Francisco, CA; Houston METRO Light Rail Expansion, Houston, TX; Washington Metro, Washington, DC <https://www.parsons.com/>
- AECOM Technical Services, Inc. – 3 Miami Central Miami, FL; 2016 Rio Olympic and Paralympic Games; Adolfo Suarez Madrid-Barajas Airport, Madrid, Spain. <https://www.aecom.com/>

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APPLICABLE LEGISLATION/POLICY

Section 2-8.3 of the County Code, provides guidelines for whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Manager 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 ten (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 Manager that clearly identifies any and all delegations of Board authority contained in the body of the proposed contract. Those contracts covered by Section 2-8.2.7 for which no timely protest is filed, the County Manager's recommendation may be awarded by the County Manager in accordance with his recommendation. The Commission, by two-thirds (2/3) vote of the members present, may waive the requirements of this section. The foregoing notwithstanding, the requirements of this section shall not apply to contracts or purchases which the County Manager has the delegated authority to award under Section 2-8.1(b) of this Code.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.3MARE

Resolution No. 151-19, adopted February 5, 2019, authorized supplemental agreement No. 1 to a professional services agreement between Parsons Transportation Group Inc. and the County for engineering services for DTPW's Capital Improvement Plan, increasing the amount by \$9,130,000 and authorizing the use of charter County transportation surtax funds for such purposes and authorizing the continuation of spending authorities for work orders related to the SMART Plan beyond March 7, 2019 for one additional year.

<http://intra/gia/matter.asp?matter=190041&file=true&yearFolder=Y2019>

Resolution No. 152-19, adopted February 5, 2019, authorized supplemental agreement No. 1 to a professional services agreement between AECOM Technical Services Inc. and the County for engineering services for DTPW's Capital Improvement Plan, increasing the amount by \$7,590,000 and authorizing the use of charter County transportation surtax funds for such purposes and authorizing the continuation of spending authorities for work orders related to the SMART Plan beyond March 7, 2019 for one additional year.

<http://intra/gia/matter.asp?matter=190039&file=true&yearFolder=Y2019>

Resolution No. 153-19, adopted February 5, 2019, authorized supplemental agreement No. 1 to a professional services agreement between WSP USA Inc. and the County for engineering services for DTPW's Capital Improvement Plan, increasing the amount by \$10,780,000 and authorizing the use of charter County transportation surtax funds for such purposes and authorizing the continuation of spending authorities for work orders related to the SMART Plan beyond March 7, 2019 for one additional year.

<http://intra/gia/matter.asp?matter=190040&file=true&yearFolder=Y2019>

Resolution No. R-828-19, adopted July 23, 2019, established a policy of Miami-Dade County for disclosure of past and present discrimination lawsuits in solicitation submissions.

<http://www.miamidade.gov/govaction/matter.asp?matter=190936&file=true&fileAnalysis=false&yearFolder=Y2019>

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Resolution No. 226-18, adopted March 6, 2018, approved continuation of spending authorities beyond March 7, 2018 for an additional year for work orders related to the Strategic Miami Area Rapid Transit (SMART) Plan through three existing professional services contracts for DTPW.

<http://intra/gia/matter.asp?matter=180242&file=true&yearFolder=Y2018>

Resolution No. 256-17, adopted March 7, 2017, approved award of a professional services agreement with Parsons Brinckerhoff, Inc. to provide professional engineering services for DTPW's Capital Improvement Plan in an amount not to exceed \$11,000,000 inclusive of contingency allowance account and authorizing the use of charter County transportation surtax funds for such purposes.

<http://intra/gia/matter.asp?matter=170692&file=false&yearFolder=Y2017>

Resolution No. 257-17, adopted March 7, 2017, approved award of professional services agreement with Parsons Transportation Group, Inc. to provide professional engineering services for DTPW's Capital Improvement Plan in an amount not to exceed \$11,000,000 inclusive of contingency allowance account and authorizing the use of charter County transportation surtax funds for such purposes.

<http://intra/gia/matter.asp?matter=170491&file=true&yearFolder=Y2017>

Resolution No. 258-17, adopted March 7, 2017, approved award of professional services agreement with AECOM Technical Services, Inc. to provide professional engineering services for DTPW's Capital Improvement Plan in an amount not to exceed \$11,000,000 inclusive of contingency allowance account authorizing the use of charter County transportation surtax funds for such purposes.

<http://intra/gia/matter.asp?matter=170489&file=true&yearFolder=Y2017>

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**Item No. 11A3
File No. 200132**

Researcher: CB Reviewer: PGE

RESOLUTION WAIVING, BY A TWO-THIRDS VOTE OF THIS BOARD, RESIDENCY REQUIREMENT FOR ARTHUR ROSENBERG, BOARD MEMBER OF THE MIAMI-DADE COUNTY LIVING WAGE COMMISSION

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose “Pepe” Diaz, District 12.

Department/Requester: N/A

ANALYSIS

OCA completed the required background research regarding waiving the residency requirement for Arthur Rosenberg, board member of the Miami-Dade County Living Wage Commission, noting no adverse findings.

APPLICABLE LEGISLATION

Resolution No. R-636-14, adopted on July 1, 2014, requires 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).

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

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**Item No. 11A5
File No. 200127**

Researcher: VW Reviewer: PGE

RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE OF AN AMENDMENT TO THE GROUND LEASE BETWEEN MIAMI-DADE COUNTY AND FLORIDA SICKLE, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, FOR A ONE YEAR EXTENSION OF THE DEADLINE TO COMPLETE CONSTRUCTION FOR THE PURPOSE OF BUILDING A COMPREHENSIVE SICKLE CELL CENTER, FOR PROPERTY LOCATED AT 1394 NW 62ND STREET, MIAMI, FLORIDA; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should approve an amendment to the ground lease between Miami-Dade County and Florida Sickle, Inc., a Florida not-for-profit corporation, for a one-year extension of the deadline to complete construction of a comprehensive sickle cell center at 1394 NW 62nd Street.

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Audrey M. Edmonson, District 3

Department/Requester: None

This item was forwarded to the BCC with a favorable recommendation by the Housing, Social Services, and Economic Development Committee at its February 10, 2020 meeting.

ANALYSIS

The purpose of this item is to gain Board authorization for an amendment to the ground lease between the County and Florida Sickle, Inc. whereby Florida Sickle, Inc. is granted a one-year extension to complete construction of a sickle cell center. The controlling provision of the amendment to the ground lease provides that "Tenant shall complete construction of the Project, as evidenced by a certificate of occupancy or its equivalent no later than four years from the commencement date." The project commencement date was August 30, 2018.

On July 24, 2018, pursuant to Resolution No. R-803-18, the Board approved a lease agreement between Miami-Dade County (the landlord) and Florida Sickle, Inc., (the tenant), for a 30-year term plus two, 10-year options to renew, for the purpose of constructing a sickle cell clinical research and treatment facility located at 1394 NW 62nd Street in Commission District 3.

The leased space is approximately 12,000 square feet of vacant County-owned land. Under the lease agreement, the annual rent to be paid by Florida Sickle, Inc. is \$2,033.68 for the initial year; such rent will be adjusted annually, increasing by three percent for the remainder of the term. Moreover, the lease agreement provides the option to purchase the property within five years of the effective date of the lease for \$96,000.

Per the original lease agreement, Florida Sickle, Inc. was required to complete construction of the comprehensive sickle cell center within three years of the commencement date of August 30, 2018. The tenant is now requesting a one-year extension of this construction deadline, from August 30, 2021 to August 30, 2022 due to unanticipated delays in obtaining grant funds. Note that there is a scrivener's error in the resolution – Section 2: "Amendment to the Lease providing a *one month* extension..." should read "Amendment to the Lease providing a *one-year* extension." Based on correspondence with the

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Chairwoman's Office, the grant money for the project will come from reserve General Obligation Bonds (GOB) that are to be used specifically for developments in the Overtown area.

As of the present date, construction of the sickle cell disease center has not yet broken ground as the County has to conduct an environmental cleanup of the area before construction can proceed. Under the original lease agreement, failure on behalf of the tenant to complete construction within the three-year period shall result in a termination of the lease agreement upon written notice by the landlord, Miami-Dade County, to the tenant, Florida Sickle, Inc.

Florida Sickle, Inc. is committed to supporting innovative research in sickle cell disease to maximize the quality of life and improve survival for the generation of people affected by this disease according to the organization's website. The Center for Disease Control and Prevention states that the number of people with sickle cell disease in the United States is about one in 5,000, mostly affecting Americans of sub-Saharan African descent. In the United States, about one out of 365 African-American children are diagnosed with sickle cell disease. Given that the new comprehensive sickle cell center will be built in an area (zip code 33147) that is over 58% African-American, the people that are disproportionately affected with sickle cell disease will also be the ones who will be in closest proximity to the new state-of-the-art treatment and research facility.

The table below shows property information for the leased land:

Property (Legal Description)	Address	No. Of Units	Lot Size (Square ft.)	Market Value (2019) Property Appraiser
Vacant governmental property	1394 NW 62 ST Miami, FL 33147	N/A	12,000 Sq. Ft	\$120,000

The picture below shows a graphic depiction of the location of the leased property located at 1394 NW 62nd St. Miami, FL 33147.

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PROPERTY INFORMATION

Folio: 01-3114-043-0010

Sub-Division:
ORCHARD VILLA EXTN

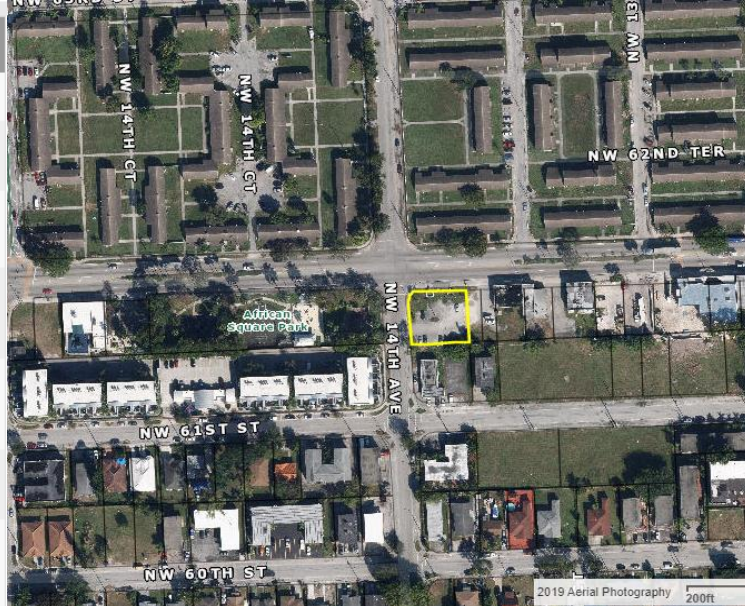
Property Address
1394 NW 62 ST

Owner
MIAMI DADE COUNTY
GSA R/E MGMT

Mailing Address
111 NW 1 STREET STE 2460
MIAMI, FL 33128-1929

PA Primary Zone
6101 CEN-PEDESTRIAN ORIENTATIO

Primary Land Use
8080 VACANT GOVERNMENTAL : VACANT LAND -
GOVERNMENTAL



OCA conducted due diligence on February 27, 2020 pertaining to Florida Sickle, Inc.; the results are shown below.

Awarded Firm	Corporate Registration	Tax Collectors Office	Florida DBPR	Westlaw
Florida Sickle, Inc.	Florida Not for Profit Corporation Active Principal Address: 3858 Sheridan Street Suite S Hollywood, FL 33021-3625 Filed: 11/09/2012	Nothing found	Nothing found	No cases on file

ADDITIONAL INFORMATION

According to the organization's website, Florida Sickle, Inc. is a 501c(3) non-profit charitable foundation, formed and operated to support and benefit the Foundation for Sickle Cell Disease Research ("FSCDR"). The FSCDR is committed to supporting innovative research in sickle cell disease to maximize the quality of life and improve survival for the generation of people affected by the disease.

<https://fscdr.org/about-us/>

According to a 2019 Sun Sentinel article, the FSCDR was founded by Dr. Lanetta Bronté-Hall and has been offering focused care and collected data through clinical trials since the center opened in Hollywood, FL in 2012. The new sickle cell center

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which Florida Sickle, Inc. will construct will be the first comprehensive medical care and clinical research facility catering specifically to sickle cell disease patients in the United States. The initiatives undertaken by the FSCDR are part of a broader national movement refocusing attention on sickle cell disease research and treatment. After decades of modest progress, advances in gene therapy and experimental medications are finally bringing the treatment of sickle disease closer to reality. Researchers are urging Floridians in particular to participate in clinical trials of these new experimental treatment methods as Florida has the highest number of sickle cell births nationwide with the largest number of patients residing in the tri-county area.

<https://www.sun-sentinel.com/health/fl-ne-sickle-cell-20190608-pqdlhlxgrzee3h2efv7fwywjwby-story.html>

APPLICABLE LEGISLATION/POLICY

Section 125.38 of the Florida Statutes (Sale of county property to United States, or state), allows for the sale or lease of County property to a not for profit organization.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/Sections/0125.38.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

Section 2-8.6.5 of the Code of Miami Dade County, states that all conveyances to not-for-profit entities for a public purpose or community interest and welfare under section 125.38, Florida Statutes, as may be amended from time to time, shall be by lease and not by deed, and such lease shall include a timeframe for lease termination in the event the purpose of the lease is not effectuated within the period specified in such lease.

http://miamidade.elaws.us/code/coor_ptiii_ch2_arti_sec2-8.6.5

Resolution No. R-256-13, adopted April 2, 2013, establishing County policy with respect to conveyances to not for profit corporations under Florida Statutes Section 125.38, 1) to lease, rather than convey property, unless other compelling circumstances justify the conveyance of same, and 2) to include lease terms requiring a rental payment in lieu of paying taxes in the event that tax exempt status is achieved by the not-for-profit corporation, unless a hardship or other substantial reason exists for foregoing such payment.

<http://intra/gia/matter.asp?matter=130443&file=true&yearFolder=Y2013>

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-791-14, adopted September 3, 2014, directing the Mayor or the Mayor's designee to provide the Miami-Dade County Property Appraiser a copy of all leases and operating agreements involving County-Owned property.

<http://www.miamidade.gov/govaction/matter.asp?matter=141723&file=true&fileAnalysis=false&yearFolder=Y2014>

Resolution No. R-803-18, adopted on July 24, 2018, approves the terms of the lease agreement between Miami-Dade County (landlord) and Florida Sickle, Inc., (tenant), a Florida not-for-profit corporation, for a 30-year term plus two, 10-year options to renew, for the purpose of constructing a comprehensive sickle cell treatment and research facility.

<http://intra/gia/matter.asp?matter=181613&file=true&yearFolder=Y2018>

**BCC Meeting: March 3, 2020
Research Notes**

**Item No. 11A5
File No. 200127**

Researcher: VW Reviewer: PGE

Resolution No. R-974-09, adopted on July 21, 2009, 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>

Administrative Order No. 8-4 (Sale or Lease of County Real Property) 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>

**BCC Meeting:
March 3, 2020
Research Notes**

**Item No. 11A8
File No. 200150**

Researcher: CB Reviewer: PGE

RESOLUTION WAIVING, BY A TWO-THIRDS VOTE OF BOARD MEMBERS PRESENT, RESIDENCY REQUIREMENT OF SECTION 2-98.7 (A)(1) OF CODE FOR MEMBERS OF MIAMI-DADE COUNTY PUBLIC NUISANCE ABATEMENT BOARD; AND APPOINTING RYAN FORREST TO THE PUBLIC NUISANCE ABATEMENT BOARD

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Eileen Higgins, District 5.

Department/Requester: N/A

ANALYSIS

OCA completed the required background research regarding waiving the residency requirement for Ryan Forrest and appointing Ryan Forrest to the Public Nuisance Abatement Board, noting no adverse findings.

APPLICABLE LEGISLATION

Resolution No. R-636-14, adopted on July 1, 2014, requires 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).

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>

**BCC Meeting:
March 3, 2020
Research Notes**

Item No. 11A9

File No. 200128

Researcher: CB Reviewer: PGE

RESOLUTION WAIVING, BY A TWO-THIRDS VOTE OF THE FULL MEMBERSHIP OF THE BOARD, THE RESIDENT AND ELECTOR REQUIREMENTS OF SECTION 2-11.38 OF THE CODE FOR MIAMI-DADE COUNTY ASIAN AMERICAN ADVISORY BOARD MEMBER VIVEK “VICTOR” SWAROOP; AND REAPPOINTING VIVEK “VICTOR” SWAROOP TO THE MIAMI-DADE COUNTY ASIAN AMERICAN ADVISORY BOARD

ISSUE/REQUESTED ACTION

N/A

PROCEDURAL HISTORY

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

Department/Requester: N/A

ANALYSIS

OCA completed the required background research regarding waiving the residency and elector requirements for Vivek “Victor” Swaroop and reappointing Vivek “Victor” Swaroop to the Miami-Dade County Asian American Advisory Board, noting no adverse findings.

APPLICABLE LEGISLATION

Resolution No. R-636-14, adopted on July 1, 2014, requires the 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).

<http://intra/gia/matter.asp?matter=141238&file=true&yearFolder=Y2014>