



OFFICE OF THE COMMISSION AUDITOR

COMMISSION AUDITOR'S INFORMATIONAL RESEARCH

BOARD OF COUNTY COMMISSIONERS MEETING

December 6, 2022

9:30 A.M.

Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor

Office of the Commission Auditor (OCA)
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Pursuant to Resolution No. [R-229-09](#), the Office of the Commission Auditor (OCA) monitors the Miami-Dade Board of County Commissioners' agenda to provide legislative analysis of agenda items that include research findings and additional value-added information, if available, or at the request of a Commissioner.

CHANGES SHEET

- 8A1 ([222397](#)) & 8A3 ([222383](#)) Approval of Professional Services Agreement to Ricondo & Associates, Inc. & T.Y. Lin International

The research notes for these items have been updated to reflect the response received from the Aviation Department regarding the prior contracts for aviation planning services, including allocation usage, purchase orders, and invoices paid, as reflected in Tables 1 and 3.

- 14A2 ([222545](#)) Approval of Terminal Building Lease Agreement

The research notes for this item have been added to provide informational research and background research pursuant to I.O. 8-4.

**BCC Meeting:
December 6, 2022
Research Notes**

Item No. 3A1

Research: JVJ / Reviewer: SC

File No. [222708](#)

Resolution approving the City of Miami's codesignation of that portion of Northwest 5th Avenue from Northwest 17th Street to Northwest 19th Street as "Margaret Jane Thompson Mackey Way"

Prime Sponsor: Commissioner Keon Hardemon, District 3.

Requester: None.

Committee Action Date: None.

RESEARCH FINDINGS

OCA completed the required background check on "Margaret Jane Thompson Mackey" and noted no adverse findings. OCA determined that there is no prior Board of County Commissioners (BCC) codesignation for "Margaret Jane Thompson Mackey." As also required by Rule 9.02(f)(1), OCA verified that "Margaret Jane Thompson" is deceased. OCA is providing this report as a Supplement to BCC Agenda File Item No. 222708.

ADDITIONAL INFORMATION

1. Bulleted below is the relevant legislation relating to the background research process:

- [Section 2-1](#) Rule 9.02(f) of the Code 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.

2. In order to vet applicants for County Boards, Trusts, naming, renaming, or codesignation, OCA receives each applicant's full name, including middle name and date of birth. Once that information is received from the entity forwarding the background research request, OCA investigates the following:

- A. Conducts a Westlaw public records search to check for additional risk factors; these factors include any criminal record or financial judgment that does not have an associated release or acquittal.
- B. Checks the Miami-Dade Clerk of the Courts website for judgments. Judgments include federal tax liens and criminal court proceedings. Where the tax lien has an associated certificate of release, such information is not considered a finding unless specifically requested by the Board.

**BCC Meeting:
December 6, 2022
Research Notes**

Item No. 8A1
File No. [222383](#) and [222397](#)

Research: SR | SMC | PAR | GS | LC | DP / Reviewer: SC | JW

Contract Award Recommendation for a Professional Services Agreement for Aviation Planning & Programming Consultant Services in an amount not to exceed \$5,513,750.00 - Contract No: E20-MDAD-04A to Ricondo & Associates, Inc.

Contract Award Recommendation for a Professional Services Agreement for Aviation Planning & Programming Consultant Services in an amount not to exceed \$5,513,750.00 - Contract No: E20-MDAD-04B to T.Y. Lin International

Prime Sponsor: None.

Requester: Miami-Dade Aviation Department (MDAD)

Committee Action Date: 11/7/2022 - Airports and Economic Development Committee.

RESEARCH FINDINGS

OCA's review of the item yielded the findings bulleted below. Refer to the Contextual Information, Financial Analysis and Additional Information sections for historical and other background information on this item.

- **In-house Capabilities:** Pursuant to Resolution No. [R-1204-05](#), the Administration should evaluate in-house capabilities before contracting the services of outside consultants. Per OCA's review of Countywide positions, as of May 2022, MDAD had an engineering staff consisting of 15 engineers, three (3) planners, two (2) project managers, and 13 architects. It is unclear how many departmental staff have the expertise to carry out the scope of services under this Professional Services Agreement (PSA). Additionally, the MDAD Aviation Planning Division did not add any new engineering positions within the FY2022-23 Proposed Budget.¹ Refer to **Attachment 1(a)** to review the *Miami-Dade County-wide Professional Job Categories by Department Under the Mayor's Purview* for an estimate of positions using the PeopleSoft database.

CONTEXTUAL INFORMATION

OCA inquired with MDAD in November 2022 about the changes in the compensation model for aviation planning & programming consultant services from the prior contracts (Contract No. E16-MDAD-04 awarded in 2017 to Ricondo & Associates, Inc. and Contract No. E16-MDAD-05 awarded in 2017 to *both* Ricondo & Associates, Inc. and T.Y. Lin International), whether MDAD reviewed in-house capabilities, and about all purchase orders and invoices paid under the prior contracts. MDAD's response is summarized below.

- **Changes in Compensation Model:** MDAD stated that the Professional Service Agreements (PSAs) boilerplate was recently updated in conjunction with the County Attorney's Office, and that all PSAs will reflect this new compensation model moving forward. It is unclear whether the decision is based on best practices in contracting, or for legal or policy reasons. An analysis of key personnel rates is provided below in the Financial Analysis section.
- **MDAD's Review of In-House Staff Capabilities:** In compliance with Resolution [R-1204-05](#), whether any portion

¹ Email Correspondence with MDAD, August 29, 2022

of this PSA may be performed through in-house capabilities is unclear. Per the contract, the scope of work includes a wide variety of aviation planning and project programming services. MDAD did not provide an analysis to support the justification of consultant services. However, they stated that consultants offer MDAD a broad set of specialized planning skills and analytical tools that are not cost-effective for MDAD to have as full-time, in-house resources given they are needed less frequently.

MDAD indicated that planning consultant services complete highly specialized assignments that cannot be performed with in-house staff capabilities, and that planning consultants supplement the work completed by Aviation department staff. Additionally, the firms “provide MDAD with an external perspective and experience at other large hub or gateway airports, as well as corporate and general aviation airports that are beneficial as we assess improvements for MIA and MDAD’s airport system.”

FINANCIAL ANALYSIS

OCA examined the purchase orders issued for Contract No. E16-MDAD-04 and the two agreements under Contract No. E16-MDAD-05. **Table 1** below summarizes the amounts allocated, amounts released, and the current remaining balances. In September 2022, Resolution [R-785-22](#) was approved to increase the amount allocated to Ricondo & Associates, Inc. for an additional \$500,000 in funding to support additional consulting services. Additionally, although the [mayoral memorandum](#) for File No. 222397 identifies E16-MDAD-04 as the most recent contract awarded to Ricondo & Associates for planning services, through research, OCA identified E16-MDAD-05 as a comparable contract. It is unclear how the services provided through the three (3) contracts differed.

Table 1

Contract Allocation Usage					
Contract No. and Name	Contract Term	Awarded Contractor	Allocation Amount	Released Amount	Remaining Balance
E16-MDAD-04 : Aviation Planning and Master Planning Consultant Services	2017-2022	Ricondo & Associates, Inc.	\$6,013,750	\$5,998,474	\$15,276
E16-MDAD-05 : Aviation Planning and Programming Consultant Services	2017-2022	Ricondo & Associates, Inc.	\$5,513,750	\$5,498,273	\$15,477
E16-MDAD-05 : Aviation Planning and Programming Consultant Services	2017-2022	T.Y. Lin International	\$5,513,750	\$4,548,662	\$965,088

Note: For the two agreements under Contract No. E16-MDAD-05, the total of invoices paid to T.Y. Lin International is \$3,403,654.70, and the total of invoices paid to Ricondo & Associates is \$5,210,304.97. The total of invoices paid to Ricondo & Associates under Contract No. E16-MDAD-04 is \$5,368,159.02.

Table 2 and 3 below analyzes select key personnel identified in the PSAs that are present in both the prior contracts and the renewal contracts presented for award. The analysis reveals some positions have experienced a decrease in the negotiated Hourly Rate while others have seen an increase. Compared to the prior contracts, the renewal contracts show a maximum decrease in Hourly Rate of 22.43% and a maximum increase in Hourly Rate of 24.29%.

As stated above, OCA’s review of the items revealed that a new compensation model was implemented within the

PSAs, which includes a direct labor multiplier² instead of the Flat Rates included in the prior contracts. The compensation for all personnel, except the Principal classification, can be calculated using the direct labor multiplier of 2.9 times the maximum Raw Rates for all office support personnel. Accordingly, OCA computed the Hourly Rates based on this calculation, with the results shown in the third column of the tables. Note: It is unclear how the increase in Hourly Rates will impact the allocation amount requested, which is consistent with the initial allocation amounts awarded to the prior contracts.

Table 2

Analysis of Key Personnel Rates Ricondo & Associates, Inc.				
Key Personnel	Flat Rate/Hour	Hourly Rate	Dollar (\$) Difference	Percent (%) Difference
	E16-MDAD-04 <i>Prior Contract</i>	E20-MDAD-04A <i>Proposed Contract</i>		
Principal	\$250.00	\$225.00	\$25.00 ↓	-10.00%
Project Manager	\$235.00	\$188.50	\$46.50 ↓	-19.79%
Senior Consultant	\$160.00	\$174.00	\$14.00 ↑	+8.75%
Managing Consultant/Manager	\$215.00	\$232.00	\$17.00 ↑	+7.91%
Consultant	\$120.00	\$130.50	\$10.50 ↑	+8.75%
Clerical/Administrative Support*	\$85.00	\$87.00	\$2.00 ↑	+2.35%
Technical Specialist I	\$115.00	\$116.00	\$1.00 ↑	+0.87%

Table 3

Analysis of Key Personnel Rates Ricondo & Associates, Inc. & TY Lin International				
Key Personnel	Flat Rate/Hour	Hourly Rate	Dollar (\$) Difference	Percent (%) Difference
	E16-MDAD-05 <i>Prior Contracts</i>	E20-MDAD-04A&B <i>Proposed Contracts</i>		
Principal	\$216.00	\$225.00	\$9.00 ↑	+4.17%
Project Manager	\$243.00	\$188.50	\$54.50 ↓	-22.43%
Senior Consultant	\$151.00	\$174.00	\$23.00 ↑	+15.23%
Managing Consultant/Manager	\$210.00	\$232.00	\$22.00 ↑	+10.48%
Consultant	\$108.00	\$130.50	\$22.50 ↑	+20.83%
Clerical/Administrative Support*	\$70.00	\$87.00	\$17.00 ↑	+24.29%
Technical Specialist I	\$108.00	\$116.00	\$8.00 ↑	+7.41%

Note: The position "Clerical/Administrative Support" was labeled as "Admin/Support" in the original contracts. Additionally, the position "Senior Project Manager" was added to both proposed contracts at the Raw Rate of \$105 per hour, or \$304.50 per hour (which includes the direct labor multiplier of 2.9).

ADDITIONAL INFORMATION

Bulleted below is additional research relevant to this item:

- **SBE Compliance:** The Small Business Enterprise – Architectural and Engineering (SBE/A&E) goal for the recommended contracts is 15%. Per the [Mayor's memorandum](#) for E20-MDAD-04B, and for a previous TY

² Direct Labor Multiplier, Law Insider, <https://www.lawinsider.com/dictionary/direct-labor-multiplier>.

Lin International contract approved through Resolution [R-320-22](#), TY Lin International received a notice of violation in April 2020 due to the vendor's inability to meet the required 18% SBE-A&E goal for Contract E13-SEA-02. As a result, T.Y. Lin International was penalized with a fine of \$24,432 and required to pay \$244,318 as the revised SBE-A&E make-up plan. Though the firm settled and provided payment for the penalty as well as the deficit, it is unclear whether any related issues may arise with the award of this PSA.

- OCA examined the BCC contract approval history for the two vendors subject for award under these items. Tables 4 and 5 provide a synopsis of the contracts approved by the BCC for award over the past 24 years (1998-2022). Note: The contracts listed under Tables 4 and 5 may not include all contracts awarded to date.

Table 4

Ricondo and Associates, Inc. Contract History (Legislative Information System)			
Project No.	Project Title	Contract Term	Contract Amount
E20-MDAD-04A	Aviation Planning & Programming Consultant Services	Pending Approval	\$5,513,750
E16-MDAD-05	Aviation Planning and Programming Consultant Services	2017-2022	\$5,513,750
E16-MDAD-04	Aviation Planning and Master Planning Consultant Services	2017-2022	\$5,513,750
	First Amendment to E16-MDAD-04	-	\$500,000
E13-MDAD-01	Airport Planning Consultant	2013-2018	\$825,000
	First Amendment to E13-MDAD-01	-	\$401,000
E07-MDAD-01	Airport Planning Consultant	2008-2013	\$750,000
E06-MDAD-01	Strategic Airport Master Planning Services for the County's System of Public Use Airports	2007-2014	\$4,010,000
	First and Second Amendments to E06-MDAD-01	Two Additional Years	\$500,000
E99-MDAD-01	Planning Consultant Services at MIA	2001-2007	\$750,000
	First Amendment to E99-MDAD-01	One Additional Year	\$112,500
R-389-98 (No Project No. Assigned)	Miscellaneous Airfield/Airspace Consultant Services for General Aviation Airports	1998-2003	\$750,000

Table 5

T.Y. Lin International Contract History (Legislative Information System)			
Project No.	Project Title	Contract Term	Contract Amount
E20-MDAD-04B	Aviation Planning & Programming Consultant Services	Pending	\$5,513,750
E18-SEA-02 Project No. 2018-016	Non-Exclusive Professional Services Agreement for Civil Infrastructure Engineering	2022-2027	\$3,500,000

CIP193-DTPW18-CEI (2), Project No. E18-DTPW-05	Construction, Engineering and Inspection Services for the Department of Transportation and Public Works' Infrastructure Renewal Projects	2021-2026	\$5,500,000
E18-MDAD-01A	Fueling Systems Consulting Services at MIA & GAA	2020-2027	\$3,308,250
E17-MDAD-05	Stormwater Pollution Prevention Plan	2019-2024	\$1,102,750
E16-MDAD-03-ESP	General Civil Engineering Services	2018-2024	\$5,513,750
E16-MDAD-05	Aviation Planning and Programming Consultant Services	2017-2022	\$5,513,750
E10-MDAD-01	Runway 12-30 Pavement Rehabilitation (<i>Consent to assignment and additional funds, through this Second Amendment to the contract previously awarded to H.J. Ross</i>)	2017-2021	\$5,492,443
E14-MDAD-03	Fueling Systems Consulting Services at MIA and GAA	2016-2023	\$2,305,500
E13-SEA-02 Project No. 2013-025	Civil Infrastructure and Engineering Services	2015-2020	\$2,200,000

Attachment 1(a)

MIAMI-DADE COUNTY-WIDE PROFESSIONAL JOB CATEGORIES BY DEPARTMENT UNDER THE MAYOR'S PURVIEW

DEPARTMENT NAME	ACCOUNTING & FINANCE	ARCHITECT	AUDITOR	CONSTRUCTION	ENGINEER	INFORMATION TECHNOLOGY	LEGAL	PLANNER	PROJECT MANAGER	SPECIAL PROJECTS ADMINISTRATOR	Grand Total
Animal Services	5									2	7
Audit & Management Services			35								35
Aviation	35	13		29	15	45	1	3	2	21	164
Communications Department	2					18				4	24
Community Action & Human Svc	24			4			9			11	48
Corrections & Rehabilitation	3			3			2			6	14
Cultural Affairs	8								19		27
Elections	3					8				1	12
Finance	114					10	1			7	132
Fire Rescue	19	1		6	1	26	1	9		5	68
Human Resources	5					18					23
Information Technology Dept	12					638				3	653
Internal Services	25	3		5	1	7			18	10	69
Juvenile Services	2					1	2				5
Libraries	3			2							5
Management & Budget	50					20				12	82
Medical Examiner	2					3					5
Parks, Recreation, and OS	29	8		48	7	5		10		24	131
Police	27			4		1	12			5	49
Public Housing & Community Dev	27			10	1			5	13	8	64
Regulatory & Economic Resource	20			6	126	3	3	24		13	195
Seaport	15	8		18	14					9	64
Solid Waste Management	18			3	5	1				12	39
Transportation and Public Works	35		1	139	133	5		12		30	355
Water and Sewer	91	3		37	98	16	1	9		19	274
Grand Total	574	36	36	314	401	825	32	72	52	202	2,544

Source: Positions were estimated through an OCA data compilation via Peoplesoft HR 9.1 PeopleBook: Manage Positions application as of May 31, 2022, the most recent report. Note: The listed job categories are based on specific educational and skill requirements attributed to selected position classifications under mayoral purview. This report does not include every position in Miami-Dade County.

**BCC Meeting:
December 6, 2022
Research Notes**

Item No. 8F1
File No. [222367](#)

Research: JVJ / Reviewer: SC

Resolution Declaring Surplus and Authorizing the Conveyance and Execution of a Settlement Agreement between Miami-Dade County and the Palace Condominium Association, Pertaining to Eleven County-owned Properties Located at 1541 Brickell Avenue, Units A-309, C-322, C-325, C-328, C-330, C-335, C-336, C-338, C-345, C-347 and C-350, Miami, Florida

Prime Sponsor: Commissioner Eileen Higgins, District 5.

Requester: None.

Committee Action Date: 11/10/2022 Public Housing and Community Services Committee

RESEARCH FINDINGS

OCA completed the required review for "The Palace Condominium Association Inc." the intended recipient of the conveyance. The research yielded lawsuit records regarding litigations related to allegations of civil, contracts, and labor & employment matters in which "The Palace Condominium Association Inc." is a named party. Attachment 2(a) provides a snapshot of the lawsuit records. Regarding ownership composition, there are no individuals with an ownership interest in "The Palace Condominium Association Inc." in excess of five percent beyond the shared ownership interest in the community property. Therefore, the owners are not subject to review pursuant to I.O. 8-4. The analysis of previous conduct revealed that "The Palace Condominium Association Inc." was not previously conveyed or leased County-owned property, as authorized through BCC resolution.

ADDITIONAL INFORMATION

1. Bulleted below is the relevant legislation relating to the background research process:
 - Resolution No. [R-129-22](#), adopted on February 1, 2022, and the new requirements per Implementing Order (I.O.) 8-4, directs OCA to independently and simultaneously review and comment on the proposed leasing and conveyance of County property prior to the submission of an agenda item to the BCC.
2. In order to vet applicants for County Boards, Trusts, naming, renaming, codesignation, leasing, or conveyance, OCA receives each applicant's full name, including middle name and date of birth. Once that information is received from the entity forwarding the background research request, OCA investigates the following:
 - A. Conducts a Westlaw public records search to check for additional risk factors; these factors include any criminal record or financial judgment that does not have an associated release or acquittal.
 - B. Checks the Miami-Dade Clerk of the Courts website for judgments. Judgments include federal tax liens and criminal court proceedings. Where the tax lien has an associated certificate of release, such information is not considered a finding unless specifically requested by the Board.

Attachment 2(a)

Lawsuit Records

The Palace Condominium Association Inc.

WESTLAW ³					
	Docket Title	Docket Number	Filing Date	Nature of Suit	Company Interest
1.	THE PALACE CONDOMINIUM ASSOCIATION, INC v. PALACE 1007 LLC	2022-028965-CC-05	08/31/2022	Real Property,Condominiums	PLAINTIFF
2.	THE PALACE CONDOMINIUM ASSOCIATION, INC. v. LAURA C. MENDOZA ET AL	2022-029170-CC-05	08/31/2022	Real Property,Condominiums	PLAINTIFF
3.	PALACE CONDOMINIUM ASSOCIATION, INC (THE) v. POLLAK, WILLIAM S.	2022-012757-CA-01	07/11/2022	Civil	PLAINTIFF
4.	THE PALACE CONDOMINIUM ASSOCIATION, INC. v. CHURCH STREET HOME LOAN LLC	2022-015425-CC-05	06/03/2022	Real Property,Condominiums	PLAINTIFF
5.	THE PALACE CONDOMINIUM ASSOCIATION INC v. JOSE PEREZ 1031 4 LLC	2022-009103-CA-01	05/18/2022	Civil	PLAINTIFF
6.	HARVEY RUVIN AS MIAMI-DADE CLERK OF THE COURTS v. LANDICO REALTY INC ET AL	2022-005505-CA-01	03/24/2022	Civil	DEFENDANT
7.	IRIGO LLC v. CHURCH STREET HOME LOANS LLC ET AL	2022-002188-CA-01	02/04/2022	Civil	DEFENDANT
8.	TRUMP 906, LLC , FLORIDA LIMITED LIABILITY COMPANY v. SPS INTERNATIONAL CORP, A FLORIDA CORPORATION ET AL	2021-019035-CA-01	08/12/2021	Civil	DEFENDANT
9.	PALACE CONDOMINIUM ASSOCIATION INC (THE) v. J & J FAMILY INVESTMENT TRUST	2021-015498-CA-01	06/29/2021	Real Property,Condominiums	PLAINTIFF
10.	PALACE CONDOMINIUM ASSOCIATION INC (THE) v. J (TR) TUCKER	2021-015077-CA-01	06/25/2021	Real Property,Condominiums	PLAINTIFF
11.	FIRST CITIZENS BANK AND TRUST COMPANY v. JEREMY SHAPIRO ET AL	2021-012969-CA-01	06/03/2021	Civil	DEFENDANT
12.	HARVEY RUVIN AS MIAMI-DADE CLERK OF THE COURTS v. CITY OF MIAMI ET AL	2021-009306-CA-01	04/19/2021	Civil	DEFENDANT
13.	PALACE CONDOMINIUM ASSOCIATION INC v. IGOR A SANDOVAL, SR. ET AL	2020-025360-CA-01	11/24/2020	Real Property,Condominiums	PLAINTIFF

³ Westlaw, Legal Research Platform, <https://legal.thomsonreuters.com/en/westlaw>

WESTLAW ³					
	Docket Title	Docket Number	Filing Date	Nature of Suit	Company Interest
14.	THE PALACE CONDOMINIUM ASSOCIATION INC v. US PROPERTIES INC ET AL	2020-025349-CA-01	11/24/2020	Real Property,Condominiums	PLAINTIFF
15.	PALACE CONDOMINIUM ASSOCIATION INC v. PAULO BREDI MARQUES ET AL	2020-024913-CA-01	11/19/2020	Real Property,Condominiums	PLAINTIFF
16.	PALACE CONDOMINIUM ASSOCIATION INC (THE) v. JEREMY SHAPIRO ET AL	2020-022539-CA-01	10/19/2020	Real Property,Condominiums	PLAINTIFF
17.	HARVEY RUVIN AS MIAMI-DADE CLERK OF THE COURTS v. LANDICO REALTY, INC. ET AL	2020-016308-CA-01	07/31/2020	Civil	DEFENDANT
18.	PALACE CONDOMINIUM ASSOCIATION, INC (THE) v. CORPORATE PROFESSIONAL RESOURCES LLC ET AL	2020-005193-CA-01	03/04/2020	Real Property,Condominiums	PLAINTIFF
19.	PALACE CONDOMINIUM ASSOCIATION INC (THE) v. SPS INTERNATIONAL CORP ET AL	2019-034523-CA-01	11/22/2019	Real Property,Condominiums	PLAINTIFF
20.	APEX BANK v. HEIDY MARINA AYAACH FIGUEROA ET AL	2019-033165-CA-01	11/11/2019	Foreclosure	DEFENDANT
21.	BISCAYNE BANK v. JEREMY SHAPIRO ET AL	2018-040289-CA-01	12/04/2018	Foreclosure	DEFENDANT
22.	THE PALACE CONDOMINIUM ASSOCIATION, INC. v. DIVISION OF FLORIDA CONDOMINIUMS, TIMESHARES AND M	2018-027734-CA-01	08/15/2018	Real Property,Condominiums	PLAINTIFF
23.	RAUL G MARMOL ET AL v. PALACE CONDOMINIUM ASSOCIATION, INC. (THE)	2018-020719-CA-01	06/18/2018	Real Property,Condominiums	DEFENDANT
24.	UNIVERSAL PROPERTY & CASUALTY INSURANCE COMPANY v. PALACE CONDOMINIUM ASSOCIATION INC (THE)	2017-021419-CC-05	12/01/2017	Torts/Negligence	DEFENDANT
25.	PALACE CONDOMINIUM ASSOCIATION, INC. (THE) v. WILLIAM S POLLAK	2017-027498-CA-01	11/30/2017	Foreclosure	PLAINTIFF
26.	PALACE CONDOMINIUM ASSOCIATION INC (THE) v. PAULO BREDI MARQUES ET AL	2016-019366-CA-01	07/27/2016	Foreclosure	PLAINTIFF
27.	PAULINA RUBIO DOSAMANTES v. THE PALACE CONDOMINIUM ASSOCIATION INC	2015-014463-CA-01	06/25/2015	Civil	DEFENDANT
28.	PALACE CONDO ASSON INC (THE) v. JEAN TIRRI (PR)	2015-013902-CA-01	06/18/2015	Contracts	PLAINTIFF
29.	IN RE: TIRRI, ANTHONY C	2015-001087-CP-02	03/17/2015	Probate, Trusts & Estates	INTERESTED PARTY
30.	BENGOLEA, ALBERTO v. THE PALACE CONDO ASSN INC	2014-026293-SP-05	12/26/2014	Contracts	DEFENDANT

WESTLAW ³					
	Docket Title	Docket Number	Filing Date	Nature of Suit	Company Interest
31.	MCCORMICK 110 LLC v. RAMIREZ, ALVARO	2014-018791-CA-01	07/17/2014	Foreclosure	DEFENDANT
32.	PALACE CONDOMINIUM ASSOCIATION INC (THE) v. POLLAK, WILLIAM S	2014-013178-CA-01	05/20/2014	Foreclosure	PLAINTIFF
33.	DRAZEN, ANNE v. PALACE CONDOMINIUM ASSOCIATION INC (THE)	2014-012274-CA-01	05/09/2014	Labor & Employment,Discrimination	DEFENDANT
34.	HSBC BANK USA N A (TR) v. THE PALACE CONDO ASSN INC	2013-020560-CA-01	06/11/2013	Foreclosure	DEFENDANT
35.	WELLS FARGO BANK (NA) (TR) v. PALACE CONDO ASSN INC (THE)	2012-043013-CA-01	10/30/2012	Foreclosure	DEFENDANT
36.	BANKUNITED v. MARCODINI, JEAN PIERRE	2011-037214-CA-01	11/04/2011	Foreclosure	DEFENDANT
37.	PALACE CONDO ASSN INC (THE) v. DE POLI, FRANCISCO	2011-020497-CA-01	06/30/2011	Real Property,Condominiums	PLAINTIFF
38.	PALACE CONDO ASSN INC (THE) v. ALONSO, TOMAS AUNON	2011-020578-CA-01	06/30/2011	Real Property,Condominiums	PLAINTIFF
39.	PALACE CONDO ASSN INC (THE) v. RAINESS, ERROL	2011-017418-CA-01	06/06/2011	Real Property,Condominiums	PLAINTIFF
40.	PALACE CONDO ASSN INC v. NIZETTE, PATRICK	2011-009958-CA-01	03/31/2011	Foreclosure	PLAINTIFF
41.	PALACE CONDO ASSN INC (THE) v. FERNANDEZ, MARTHA	2010-060391-CA-01	11/17/2010	Foreclosure	PLAINTIFF
42.	ASSETS RECOVERY 26 (LLC) v. ASHBY, TIMOTHY F	2010-045957-CA-01	08/23/2010	Foreclosure	DEFENDANT
43.	EMIGRANT MORT CO INC v. ZONE 2000 INC	2010-040087-CA-01	07/23/2010	Foreclosure	DEFENDANT
44.	WACHOVIA MORT CORP v. DE POLI, FRANCISCO	2010-027136-CA-01	05/07/2010	Foreclosure	DEFENDANT
45.	BANK OF NEW YORK MELLON (THE) v. NUNES, ANDRE	2010-023829-CA-01	04/20/2010	Foreclosure	DEFENDANT
46.	PALACE CONDO ASSN INC (THE) v. CHAWLA, SUNDEEP BALIRAM	2010-018697-CA-01	03/25/2010	Foreclosure	PLAINTIFF
47.	DEUTSCHE BANK NATIONAL TRUST CO (TR) v. ALONSO, TOMAS AUNON	2010-015047-CA-01	03/08/2010	Foreclosure	DEFENDANT
48.	CHASE HOME FIN LLC v. DIEGO, ANGELA	2010-003439-CA-01	01/20/2010	Foreclosure	DEFENDANT
49.	OCEAN MORT BANKERS FLA BANKING CORP v. MAYA, ENRIQUE	2009-088079-CA-01	12/07/2009	Foreclosure	DEFENDANT
50.	PALACE CONDOMINIUM ASSN INC (THE) v. MORGA, LAZARO	2009-077042-CA-01	10/20/2009	Real Property,Condominiums	PLAINTIFF
51.	PALACE CONDO ASSN INC (THE) v. PALACIOS, MERCEDES MONTOYA	2009-076725-CA-01	10/19/2009	Real Property,Condominiums	PLAINTIFF

WESTLAW ³					
	Docket Title	Docket Number	Filing Date	Nature of Suit	Company Interest
52.	BANK OF AMERICA (NA) v. HERNANDEZ, NELSON A	2009-073580-CA-01	10/06/2009	Foreclosure	DEFENDANT
53.	GREAT FLA BANK v. CHAWLA, SUNDEEP BALIRAM	2009-055774-CA-01	07/27/2009	Foreclosure	DEFENDANT
54.	PALACE CONDO ASSN INC (THE) v. COLINET, STALIN D	2009-055293-CA-01	07/24/2009	Real Property, Condominiums	PLAINTIFF
55.	DEUTSCHE BANK NATL TRUST CO (TR) v. SZUCH, DOROTHEE RUBIN	2009-049148-CA-01	06/29/2009	Foreclosure	DEFENDANT
56.	PALACE CONDO ASSN INC (THE) v. ZONE 2000 INC	2009-045318-CA-01	06/15/2009	Real Property, Condominiums	PLAINTIFF
57.	BANKUNITED (FSB) v. RAMIREZ, ALVARO	2009-033700-CA-01	04/27/2009	Foreclosure	DEFENDANT
58.	RESIDENTIAL CREDIT SOLUTIONS, INC. v. SALAZAR, MARTA S	2009-028681-CA-01	04/08/2009	Foreclosure	DEFENDANT
59.	CHASE HOME FIN (LLC) v. BERNAL, SANTIAGO	2009-027378-CA-01	04/03/2009	Foreclosure	DEFENDANT
60.	BANK OF AMERICA (NA) v. FERNANDEZ, MARTHA	2009-020793-CA-01	03/13/2009	Foreclosure	DEFENDANT
61.	PALACE CONDO ASSN INC (THE) v. PALM ISLAND REALTY LIMITED	2009-013905-CA-01	02/20/2009	Foreclosure	PLAINTIFF
62.	HSBC BANK USA NATIONAL ASSN (TR) v. FORERO, LILIANA M	2009-012306-CA-01	02/17/2009	Foreclosure	DEFENDANT
63.	AMF NATIONAL FUNDING INC v. PALM ISLAND REALTY LIMITED	2009-010162-CA-01	02/09/2009	Foreclosure	DEFENDANT
64.	BANK OF NEW YORK MELLON (THE) v. NIZETTE, PATRICK	2008-078456-CA-01	12/18/2008	Foreclosure	DEFENDANT
65.	HSBC BANK (USA) (NA) (TR) v. SUAZO, SANDRA	2008-057708-CA-01	09/26/2008	Foreclosure	DEFENDANT
66.	PALACE CONDO ASSN INC (THE) v. SUAZO, SANDRA	2007-044578-CA-01	12/17/2007	Foreclosure	PLAINTIFF
67.	AQUA SHIELD CORP v. PALACE CONDO ASSN INC (THE)	2007-043326-CA-01	12/07/2007	Contracts	DEFENDANT
68.	PALACE CONDO ASSN INC (THE) v. SZUCH, DOROTHEE RUBIN	2007-042387-CA-01	12/03/2007	Foreclosure	PLAINTIFF
69.	ALLIED MORTGAGE & FINANCIAL CORP v. PALM ISLAND REALTY (LTD) (ETC)	2007-014166-CA-01	05/14/2007	Foreclosure	DEFENDANT

**BCC Meeting:
December 6, 2022
Research Notes**

Item No. 14A2
File No. [222545](#)

Research: JVJ / Reviewer: SC

Airline VIP Club Lease Agreement between Miami-Dade County and Delta Air Lines, Inc. Retroactive to July 1, 2019 -Lease Agreement # 10624

Prime Sponsor: Interim Chairman Oliver Gilbert, District 1.

Requester: Miami-Dade Aviation Department (MDAD)

Committee Action Date: 11/7/2022 - Airports and Economic Development Committee.

RESEARCH FINDINGS

OCA completed the required review for “Delta Air Lines, Inc.” the intended recipient of the lease. The research yielded 2,849 lawsuit records regarding litigations related to allegations of discrimination, torts/negligence, contractual, and labor/employment matters in which “Delta Air Lines, Inc.” is a named party. The list of lawsuits is available upon request. Regarding ownership composition, the owners of governmental entities or publicly traded companies are not subject to review pursuant to I.O. 8-4.

The analysis of previous conduct revealed no adverse findings concerning previously conveyed or leased County-owned property that was later the subject of an involuntary reverter or lease termination by the County. However, the Aviation Department does not maintain performance evaluations for lease agreements; accordingly, an assessment of previous conduct regarding previously conveyed or leased County-owned properties is not presently available.

ADDITIONAL INFORMATION

1. Bulleted below is the relevant legislation relating to the background research process:

- [Resolution No. R-129-22](#), adopted on February 1, 2022, and the new requirements per Implementing Order (I.O.) 8-4, directs OCA to independently and simultaneously review and comment on the proposed leasing and conveyance of County property prior to the submission of an agenda item to the BCC.
2. In order to vet applicants for County Boards, Trusts, naming, renaming, codesignation, leasing, or conveyance, OCA receives each applicant’s full name, including middle name and date of birth. Once that information is received from the entity forwarding the background research request, OCA investigates the following:
- A. Conducts a Westlaw public records search to check for additional risk factors; these factors include any criminal record or financial judgment that does not have an associated release or acquittal.
 - B. Checks the Miami-Dade Clerk of the Courts website for judgments. Judgments include federal tax liens and criminal court proceedings. Where the tax lien has an associated certificate of release, such information is not considered a finding unless specifically requested by the Board.

**BCC Meeting:
December 6, 2022
Research Notes**

Item No. 14A2
File No. [222545](#)

Research: AM / Reviewer: SC

Airline VIP Club Lease Agreement between Miami-Dade County and Delta Air Lines, Inc. Retroactive to July 1, 2019
- Lease Agreement # 10624

Prime Sponsor: Interim Chairman Oliver Gilbert, District 1.
Requester: Miami-Dade Aviation Department (MDAD)
Committee Action Date: 11/7/2022 - Airports and Economic Development Committee.

RESEARCH FINDINGS

At the request of District 1 Commissioner Gilbert, OCA conducted research to identify comparable contracts and lease agreements for VIP clubs and lounges at the Miami International Airport. Refer to the Contextual Information and Financial Analysis sections for analysis and background information on this item.

CONTEXTUAL INFORMATION

OCA conducted research to review the terminal rental rates included in the subject lease agreement of this item and a comparable contract, Lease Agreement X-9442, awarded to American Airlines.

- **Terminal Rental Rates:** Pursuant to Resolution No. R-1054-90, MDAD calculates terminal rents annually using a cost recovery approach under an equalized rate methodology. This means that rates for space are uniform within a category, such as VIP Club Space or Concourse Space, regardless of when the facility was built. Terminal rental rates and terminal user fees are effective October 1st of each fiscal year based upon the Annual Budget and are not subject to adjustment at mid-year. Terminal rental rates are calculated using a weighted rate based on space classification, which is determined based on the type of space being utilized. Refer to **Attachment 3(a)** for the Fiscal Year 2022-2023 County Budget Proposed Terminal Rental Rates at the Miami International Airport (MIA).
- **Economic Conditions:** The COVID-19 Amendment for Lease and Concession Agreements at MIA, pursuant to Resolution No. [R-1149-21](#), expired on December 31, 2021. Pursuant to the County FY 22-23 Budget, OCA calculated and determined the proposed terminal rates have been adjusted and increased by 5.45% for Class I-VI. Class II applies to VIP Club Space and the increase in terminal rates for VIP Club Space will have a positive fiscal impact of \$1,821,000 according to the FY 2022-2023 Proposed Budget. Refer to **Attachment 3(a)** for the FY 2022-2023 County Budget Proposed Terminal Rental Rates at the Miami International Airport.

FINANCIAL ANALYSIS

OCA examined the financial history of the Delta Airlines VIP Club Lease Agreement (Lease Agreement # 10624) and a similar contract, the American Airlines VIP Club Lease Agreement (Lease Agreement # X-9442). **Table 1** below provides a synopsis of both lease agreements and a breakdown of the rentals and payments. **Table 2** below provides a synopsis of the calculation of the terminal rental rates for the Delta Airlines VIP Club Lease Agreement and **Table 3** below provides a synopsis of the calculation of the terminal rental rates for the American Airlines VIP Club Lease Agreement.

Table 1

Contracts Comparison (Legislative Information System)					
Contract Title	Term	Square Footage	FY 2023 Rental Rate	Concession Fee	Opportunity Fee
Delta VIP Club Lease Agreement	5-year term with two five-year renewal options	17,289 sq ft (Adding 8,865 sq ft to the existing 8,424 sq ft)	\$134.70	18% of the monthly gross revenue from liquor sales and 10% of monthly gross revenues from the sale of all other amenities	35% of the Vendor's VIP Club Fee
American Airlines VIP Club Lease Agreement (Admirals Clubs D-15 & D-30)	10-year term and a five-year term renewal option	D-15: 14,549 sq ft D-30: 45,586 sq ft	\$134.70	18% of the monthly gross revenue from liquor sales and 10% of monthly gross revenues from the sale of all other amenities	35% of the Vendor's VIP Club Fee

Note: Both lease agreements are adding rental space and increase the square footage of their VIP Clubs. Vendors have also made development commitments in their contracts. The American Airlines VIP Club Lease Agreement increased the square footage of the VIP Club at Gate D-30 from a total of 29,479 sq ft to 45,586 sq ft and the VIP Club at Gate D-15 increased the square footage from a total of 13,237 sq ft to 14,549 sq ft. Additionally, the 35 percent opportunity fee represents the fee paid for non-member passengers who purchase a day pass to the VIP Clubs.

Table 2

Delta VIP Club Lease Agreement # 10624 Schedule 1 Rental Rates			
Year	Square Footage	Rate	Annual
2018-2019	8,424	\$134.82	\$1,135,723.68
2019-2020	8,424	\$142.50	\$1,200,420.00
2020-2021	8,424	\$133.13	\$1,121,487.12
2021-2022	8,424	\$127.74	\$1,076,081.76
2022-2023	17,289	\$134.70	\$2,328,828.30

Note: The Delta VIP Club Lease Agreement is expanding the existing 8,424 sq ft space by 8,865 sq ft to a total of 17,289 sq ft. The mayoral memorandum reflects an initial annual rental amount of \$1,134,712.80.

Table 3

American Airlines VIP Club Lease Agreement # X-9442 Schedule 2 Rental Rates				
Year	Category (Terminal D)	Square Footage	Rate	Annual
2016-2017	VIP Club Space (D-15)	13,997	\$130.41	\$1,825,348.77
2016-2017	VIP Club Space (D-30)	25,524	\$130.41	\$3,328,584.84

2017-2018	VIP Club Space (D-15)	13,997	\$132.27	\$1,851,383.19
2017-2018	VIP Club Space (D-30)	43,786	\$132.27	\$5,791,574.22
2018-2019	VIP Club Space (D-15)	13,997	\$134.82	\$1,887,075.54
2018-2019	VIP Club Space (D-30)	43,786	\$134.82	\$5,903,228.52
2019-2020	VIP Club Space (D-15)	13,997	\$142.50	\$1,994,572.50
2019-2020	VIP Club Space (D-30)	43,786	\$142.50	\$6,239,505.50
2020-2021	VIP Club Space (D-15)	13,997	\$133.13	\$1,863,420.61
2020-2021	VIP Club Space (D-30)	43,786	\$133.13	\$5,829,230.18

Note: The American Airlines VIP Clubs at Gates D-15 and D-30 consist of VIP Club Space and Concourse Space, 43,786 sq ft and 1,800 sq ft for D-30 and 13,997 sq ft and 552 sq ft for D-15, respectively. The table only reflects fees for VIP Space.

Attachment 3(a)

MIAMI-DADE COUNTY Fiscal Year 2022-2023 County Budget Proposed Fee Adjustments for Services

FY 2022 - 23 Proposed Budget and Multi-Year Capital Plan

SELECTED ITEM HIGHLIGHTS AND DETAILS

Line-Item Highlights	(dollars in thousands)				
	Actual FY 19-20	Actual FY 20-21	Budget FY 21-22	Projection FY 21-22	Proposed FY 22-23
Advertising	914	520	918	900	899
Fuel	1,144	1,154	1,430	1,400	1,496
Overtime	3,345	3,163	4,249	4,235	4,388
Rent	0	0	0	0	0
Security Services	8,816	8,692	8,691	8,691	10,620
Temporary Services	140	13	79	60	94
Travel and Registration	122	29	509	200	587
Utilities	45,540	49,867	50,075	50,015	54,130

PROPOSED FEE ADJUSTMENTS FOR SERVICES

Fee Adjustments	Current Fee FY 21-22	Proposed Fee FY 22-23	Dollar Impact FY 22-23
• Concourse Fee	4.91	4.17	\$-7,600,000
• Preferential Gate Fee	648,105.45	681,588.65	\$12,121,000
• Baggage Claim Fee	1.00	.61	\$-457,000
• Screening Fee	1.57	1.23	\$-2,472,000
• Baggage Make-up (Capital)	.55	.43	\$-335,000
• International Facility Fee	12.77	12.51	\$-7,188,000
• Terminal Rent - Class I	85.16	89.80	\$67,000
• Terminal Rent - Class II	127.74	134.70	\$1,821,000
• Terminal Rent - Class III	85.16	89.80	\$2,222,000
• Terminal Rent - Class IV	42.58	44.90	\$1,067,000
• Terminal Rent - Class V	21.29	22.45	\$14,000
• Terminal Rent - Class VI	85.16	89.80	\$17,000

Source: OCA data compilation via Miami-Dade County FY-22 County Budget Volume III on pg. 154 as of October 1, 2022.

Note: VIP Club Space is classified as Class II Space and Concourse Space is classified as Class III Space.

CONTRIBUTORS

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

The Office of the Commission Auditor (OCA) was established in September 2002 by Ordinance 03-2 to provide support and professional analysis of the policy, service, budgetary and operational issues before the Miami-Dade Board of County Commissioners. The Commission Auditor's duties include reporting to the Board of County Commissioners on the fiscal operations of County departments, as well as whether the fiscal and legislative policy directions of the Commission are being efficiently and effectively implemented.

These research notes, prepared in collaboration with the Miami Dade County departments as subject matter experts, is substantially less detailed in scope than an audit in accordance with the Generally Accepted Auditing Standards (GAAS). The OCA plans and performs the review to obtain sufficient, appropriate evidence to provide a reasonable basis for its findings and conclusions based on its objectives; accordingly, the OCA does not express an opinion on the data gathered by the subject matter expert(s).