



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

**Board of County Commissioners Meeting**

September 5, 2018  
9:30 A.M.  
Commission Chambers

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**BCC Meeting: September 5, 2018  
Research Notes**

**Item Nos. 5C & 8D4  
File No. 181626 & 181851**

**Researcher: JFP Reviewer: TD**

ORDINANCE AUTHORIZING ISSUANCE OF NOT TO EXCEED \$400,000,000.00 MIAMI-DADE COUNTY, FLORIDA TRANSIT SYSTEM SALES SURTAX REVENUE BONDS, PURSUANT TO SECTION 208 OF ORDINANCE NO. 05-48, FOR PAYING COSTS OF CERTAIN TRANSPORTATION AND TRANSIT PROJECTS; PROVIDING THAT DETAILS, TERMS AND OTHER MATTERS RELATING TO BONDS BE DETERMINED IN SUBSEQUENT RESOLUTIONS; AUTHORIZING UNDERTAKING OF TRANSIT AND TRANSPORTATION PROJECTS IN PEOPLE'S TRANSPORTATION PLAN; AND PROVIDING SEVERABILITY AND EFFECTIVE DATE

RESOLUTION AUTHORIZING ISSUANCE OF NOT TO EXCEED \$240,000,000.00 MIAMI-DADE COUNTY, FLORIDA TRANSIT SYSTEM SALES SURTAX REVENUE BONDS, SERIES 2018, IN ONE OR MORE SERIES, PURSUANT TO SECTIONS 201 AND 208 OF ORDINANCE NO. 05-48, AS AMENDED AND SUPPLEMENTED, FOR PAYING COSTS OF CERTAIN TRANSPORTATION AND TRANSIT PROJECTS FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS; AUTHORIZING USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS; PROVIDING CERTAIN DETAILS OF BONDS; AUTHORIZING PUBLIC SALE OF BONDS BY COMPETITIVE BIDS; AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, WITHIN CERTAIN LIMITATIONS AND RESTRICTIONS, TO FINALIZE DETAILS, TERMS AND OTHER PROVISIONS OF BONDS, INCLUDING ACCEPTANCE OF BIDS; APPROVING FORMS AND AUTHORIZING EXECUTION OF CERTAIN DOCUMENTS; PROVIDING CERTAIN COVENANTS; AUTHORIZING COUNTY OFFICIALS TO DO ALL THINGS DEEMED NECESSARY IN CONNECTION WITH ISSUANCE, SALE, EXECUTION AND DELIVERY OF BONDS; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06, AS AMENDED; AND PROVIDING SEVERABILITY

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize issuance of Miami-Dade County Florida Transit System Sales Surtax Revenue Bonds in an amount not to exceed \$400,000,000, \$240,000,000 of which is to be issued initially, to fund projects approved by the Citizens' Independent Transportation Trust in the People's Transportation Plan and by the Board in the Miami Dade Department of Transportation and Public Works' Multi-Year Capital Plan.

**APPLICABLE LEGISLATION/POLICY**

Ordinance No. 02-116, adopted by the Board on July 9, 2002, levies and imposes a one half of one percent Charter County Transit System Surtax authorized by Section 212.055(1), Florida Statutes on all transactions occurring in Miami-Dade County otherwise subject to the state tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes and establishes a dedicated funding source for the operation, maintenance, and financing of certain transportation and transit projects authorized by Florida Statutes.

<http://intra/gia/matter.asp?matter=022196&file=false&yearFolder=Y2002>

Ordinance No. 05-48, adopted by the Board on March 1, 2005, is the original ordinance providing for issuance of Miami-Dade County, Florida Transit System Sales Surtax Revenue Bonds, initially in an aggregate principal amount not to exceed \$500,000,000 to finance transportation and transit projects.

<http://intra/gia/matter.asp?matter=043480&file=true&yearFolder=Y2004>

Ordinance No. 09-65, adopted by the Board on July 21, 2009, amended and supplemented Ordinance No. 05-48 by authorizing issuance of Florida Transit System Sales Surtax Revenue Bonds in an amount not to exceed \$500,000,000.

<http://intra/gia/matter.asp?matter=091927&file=true&yearFolder=Y2009>

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Ordinance No. 12-39, adopted by the Board on June 5, 2012, further supplemented Ordinance No. 05-48 by authorizing issuance of Miami-Dade County, Florida Transit System Sales Surtax Revenue Bonds in an amount not to exceed \$600,000,000.

<http://intra/gia/matter.asp?matter=121160&file=false&yearFolder=Y2012>

Resolution No. R-130-06, adopted by the Board on January 24, 2006, clarifies that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-County parties. The proposed resolution seeks waiver of this provision.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Finance Department**

The proposed ordinance was adopted on first reading by the Board at its July 24, 2018 meeting.

The proposed resolution has no procedural history.

**ANALYSIS**

The proposed ordinance authorizes the issuance of additional Miami-Dade County, Florida Transit System Surtax Revenue Bonds in an amount not to exceed \$400,000,000 to fund projects approved by the Citizens' Independent Transportation Trust in the People's Transportation Plan and by the Board in the Miami-Dade Department of Transportation and Public Works' Multi-Year Capital Plan. The Florida Transit System Surtax Revenue Bonds to be authorized by the proposed ordinance will be issued pursuant to a subsequent series of resolutions to be adopted by the Board, setting the terms, maturities, interest rates and other details of each bond issue. People's Transportation Plan funds (the half-penny transportation surtax) will be used as the primary source for the repayment of the Bonds, in accordance with the provisions of previous related Board approved bond ordinances which prescribe that additional bonds shall not be deemed to constitute a debt of the County, the State, but the additional bonds shall be payable solely from the pledged revenues.

Previous Board approved bond ordinances (Ordinance Nos. 05-48, 09-65, and 12-39) and series resolutions authorized the issuance of \$1,600,000,000 of Florida Transit System Surtax Revenue Bonds, of which \$1,537,210,000 have been issued to date. This authorization of an additional \$400,000,000 will help fund \$200,000,000 of the \$978,134,000 in uncompleted transit and public works capital improvement projects in the People's Transportation Plan, as outlined below according to accompanying Resolution No. 181851 issuing the Series 2018 Bonds, also being considered by the Board on September 5, 2018.

<b>Transit Capital Improvement Projects</b>	
<i>Bus and Bus Facilities</i>	\$2,099,000
<i>Bus Enhancements</i>	1,595,000
<i>Bus Related Projects</i>	16,614,000
<i>Bus Tracker and Automatic Vehicle Locating System Upgrade (CADI A VL)</i>	540,000
<i>Fare Collection Equipment Projects</i>	1,364,000
<i>Heavy Equipment Replacement</i>	708,000
<i>Infrastructure Renewal Plan (IRP)</i>	13,119,000
<i>Lehman Yard</i>	2,942,000
<i>Metromover - Improvement Projects</i>	10,445,000

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<i>Metrorail - Stations and Systems Improvements</i>	16,969,000
<i>Metrorail - Track and Guideway Projects</i>	20,879,000
<i>Metrorail - Vehicle Replacement</i>	87,764,000
<i>Metrorail and Metromover Projects</i>	4,547,000
<i>Park and Ride - Transit Projects</i>	4,295,000
<i>Strategic Miami Area Rapid Transit Plan (SMART) Phase 1</i>	3,340,000
<i>Transit- Signage and Communication Projects</i>	1,745,000
<b><i>Total Transit Capita/Improvement Projects</i></b>	<b><i>\$188,965,000</i></b>

<b>Public Works Capital Improvement Projects</b>	
Advanced Traffic Management System (ATMS)- Phase 3	741,000
Arterial Roads - Countywide	2,750,000
Infrastructure Improvements - Countywide	1,760,000
Miscellaneous Improvements Countywide	465,000
Rights-Of-Way Acquisition - Countywide Projects	513,000
Road Widening - Countywide	4,206,000
Safety Improvements - Countywide	426,000
Traffic Control Devices - Signalization Countywide	174,000
<b><i>Total Public Works Capita/Improvement Projects</i></b>	<b><i>\$11,035,000</i></b>
<b>Total</b>	<b>\$200,000,000</b>

Resolution No. 181851 authorizes the issuance of Florida Transit System Surtax Revenue Bonds in an amount not to exceed \$240,000,000. The proceeds of the Series 2018 Bonds, together with other available funds, will be used to pay all or a portion of the cost of the Series 2018 Transit System Sales Surtax Projects (as listed above), make a deposit to the Reserve Account, pay the cost of issuance of the Series 2018 Bonds, and pay capitalized interest on the Series 2018 Bonds.

The item was approved by the Citizens' Independent Transportation Trust board on July 25, 2018.

**ADDITIONAL INFORMATION**

***People's Transportation Plan***

The People's Transportation Plan (PTP), the half-penny transportation surtax overwhelmingly approved by Miami-Dade County voters in November 2002, included \$476 million for public works projects. The PTP funds to be provided to the Transportation and Public Works Department were for major highway and road improvements totaling \$309 million, and for neighborhood improvements totaling \$167 million.

<https://www.miamidade.gov/publicworks/peoples-transportation.asp>

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Research Notes**

**Item No. 7A  
File No. 181182**

**Researcher: MF Reviewer: TD**

ORDINANCE RELATING TO VEHICLES FOR-HIRE; AMENDING SECTION 31-107 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING REQUIREMENTS FOR VEHICLES USED AS PASSENGER MOTOR CARRIERS; REVISING VEHICLE AGE REQUIREMENTS FOR PASSENGER MOTOR CARRIERS PROVIDING CIRCULATOR SERVICE OR FIXED ROUTE SERVICE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Section 31-107 of the Code of Miami-Dade County to revise requirements for vehicles used as passenger motor carriers, to revise age requirements for passenger motor carriers providing circulator service or fixed-route service.

**APPLICABLE LEGISLATION/POLICY**

**Miami-Dade County Code, Chapter 31, Article III, Section 31-107**, provides vehicle age limits and inspection schedules for passenger motor carriers.

[http://miamidade.fl.elaws.us/code/coor\\_ptiii\\_ch31\\_artiii\\_sec31-107](http://miamidade.fl.elaws.us/code/coor_ptiii_ch31_artiii_sec31-107)

**Ordinance No. 17-30**, adopted June 6, 2017, relates to vehicles for hire; amends Chapter 31, Article III of the Code of Miami-Dade County regulating passenger motor carriers.

<http://intra/gia/matter.asp?matter=172943&file=false&yearFolder=Y2017>

**PROCEDURAL HISTORY**

**Prime Sponsor: Sally A. Heyman, District 4**

The proposed ordinance was adopted by the Board on first reading on May 15, 2018, and set for public hearing before the Transportation and Public Works (TPW) Committee meeting on July 18, 2018.

At the TPW Committee meeting on July 18, 2018, Commissioner Heyman said that before she put forth this item, she visited various service providers. She pointed out that the proposed ordinance revised the age requirements for passenger motor carriers (PMC) providing circulator service or fixed-route service only. She stressed that these vehicles had a different life-span from that of other PMCs.

The proposed ordinance was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed ordinance seeks to amend Section 31-107 of the Code of Miami-Dade County to revise requirements for vehicles used as passenger motor carriers, to revise age requirements for passenger motor carriers providing circulator service or fixed-route service, as follows:

Section 31-107 (b) – Passenger motor carrier vehicles providing circulator service or fixed route service shall meet the following vehicle age requirements: any vehicle over 15 model years of age providing circulator service or fixed route service shall neither be placed into service nor operate as a passenger motor carrier vehicle.

According to the Fiscal Impact Statement, the implementation of the proposed ordinance will not have a fiscal impact for Miami-Dade County as it will not result in additional staffing needs or future operational costs.

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According to the Social Equity Statement, the amendment to Section 31-107 (b), which deletes a prohibition against passenger motor carrier vehicles that have rebuilt or salvage titles, and increases the vehicle age requirement to 15 model year for passenger motor carriers (PMC) vehicles providing circulator and fixed route services, will benefit operators by allowing them to obtain more affordable vehicles. The PMC vehicle age limit was originally 15 model years and was reduced to 10 years by Ordinance No. 17-30. Every for-hire vehicle is required to pass an annual vehicle safety standard inspection for continued operation. Approval of these amendments, may cause an increase in complaints regarding the maintenance, upkeep or aesthetics of such vehicles by tourists and /or local patrons.

**Chapter 31**

**VEHICLES FOR HIRE**

**Article III. PASSENGER MOTOR CARRIERS**

Sec. 31-107 – Vehicle Standards	Sec. 31-107 – Vehicle Standards
<p>***</p> <p>(b) Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle inspections are as stated in this subsection; provided, however, that the DTPW may inspect a for-hire vehicle at any time. All motor vehicles currently in service as of the effective date of this ordinance shall be permitted to remain in service until the motor vehicle reaches its fifteenth model year. Said motor vehicles must continue to pass inspection and meet all applicable vehicle standards. Any vehicle initially placed into service following the effective date of this ordinance shall be no greater than 10 model years of age. No passenger motor carrier vehicle shall have a “rebuilt” or “salvage” title and shall be no greater than 10 model years of age. Any vehicle over 10 model years of age shall not be operated as a passenger motor carrier vehicle. Passenger motor carrier vehicles shall be inspected annually.</p> <p>***</p>	<p>***</p> <p>(b) Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle inspections are as stated in this subsection; provided, however, that the DTPW may inspect a for-hire vehicle at any time. All motor vehicles currently in service as of the effective date of this ordinance shall be permitted to remain in service until the motor vehicle reaches its fifteenth model year. Said motor vehicles must continue to pass inspection and meet all applicable vehicle standards. Any vehicle initially placed into service following the effective date of this ordinance shall be no greater than 10 model years of age. <del>[[No passenger motor carrier vehicle shall have a “rebuilt” or “salvage” title and shall be no greater than 10 model years of age.]]</del> Any vehicle over 10 model years of age shall not be operated as a passenger motor carrier vehicle. <b>&gt;&gt;Notwithstanding the foregoing, passenger motor carrier vehicles providing circulator service or fixed route service shall meet the following vehicle age requirements: any vehicle over 15 model years of age providing circulator service or fixed route service shall neither be placed into service nor operate as a passenger motor carrier vehicle.&lt;&lt;</b> Passenger motor carrier vehicles shall be inspected annually.</p> <p>***</p>

Words ~~[[double bracketed]]~~ shall be deleted. **Words in bold** and >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

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**ADDITIONAL INFORMATION**

Chapter 22 ½ of Broward County's Code of Ordinances regulates motor carriers. Section 22 ½-9B governs minimum vehicle standards; and Sub-section (k) provides as follows:

- (1) Vehicles for hire that are not more than ten (10) model years old shall be inspected annually;
- (2) Vehicles for hire that are ten(10) model years old or older and less than fifteen (15) model years old shall be inspected semi-annually;
- (3) Vehicles for hire that are fifteen (15) model years old or older shall be inspected quarterly.

[https://library.municode.com/fl/broward\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH22\\_1-2MOCA](https://library.municode.com/fl/broward_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH22_1-2MOCA)



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**Item No. 7B  
File No. 181247**

**Researcher: LE Reviewer: PGE**

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-96.1 AND 33-96 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PERMITTING DIGITAL POINT-OF-SALE SIGNS AT CERTAIN BUILDINGS FOR PUBLIC ASSEMBLAGE; MAKING CONFORMING AMENDMENTS AND TECHNICAL CHANGES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Sections 33-96.1 and 33-96 of the County Code to permit Digital Point of Sale Signs at certain public buildings and structures that are intended for 50 or more persons to assemble, such as education and religious facilities.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code Section 33-96.1 permits digital point of sale signs (DPSS) in BU and IU districts, seaports, airports, sports stadiums, racetracks, and other similar uses with specifications as to sign size, placement, setback and quantity; the content of the DPSS shall be limited solely to the promotion of products and services offered on the premises.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTVISI\\_DIV2GEPR\\_S33-96.1DIPO-SSI](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTVISI_DIV2GEPR_S33-96.1DIPO-SSI)

Miami-Dade County Code Section 33-96 (Illumination) provides that all signs shall be static and shall not include digital technology except as provided for in the Code.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTVISI\\_DIV2GEPR\\_S33-96IL](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTVISI_DIV2GEPR_S33-96IL)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Joe A. Martinez, District 11**

**Requester/Department: None**

The proposed ordinance was adopted on first reading at the BCC meeting on June 5, 2018. It was then set for public hearing before the Government Operations Committee (GOC) on July 16, 2018 and forwarded with a favorable recommendation to the BCC by GOC. The following discussion was held at the GOC meeting:

- Commissioner Moss asked Commissioner Martinez, the sponsor, to clarify the intent of the proposed changes to the ordinance. Commissioner Martinez responded that Archbishop Coleman F. Carrol High School encountered issues with signage such as the size of the sign it could place in front of the school, what could be advertised on the sign, and the sign's illumination. Martinez explained that the proposed changes would permit structures, such as ballrooms and places where a graduation is held, to display signs for advertising as is currently allowed for seaports and airports.
- Commissioner Sosa asked whether the signs are currently allowed in residential areas, and if not, whether approval of the proposed amendments would allow digital signage in residential areas. The County Attorney's Office responded that, generally, digital signage is not seen in residential areas; however, permitted facilities are allowed to use DPSS regardless of zoning. A representative from the Department of Regulatory and Economic Resources further clarified that 30 percent of a digital commercial sign (business/industrial) has to be shown on a major/minor roadway and as a result of that, houses are not impacted.

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- A member of the public spoke and raised concerns about how the digital signs trigger seizures for certain residents who live near/adjacent to the signs. The speaker recommended that the County contact people who live in the affected community to gauge community impact prior to making such planning and zoning decisions.

**ANALYSIS**

The proposed ordinance amends Sections 33-96.1 and 33-96 of the Code of Miami-Dade County to expand the scope of where Digital Point of Sale Signs (DPSS) may be used to include buildings or other structures intended for public assemblage made for 50 or more persons to assemble in one room or structure, such as educational and religious facilities. A DPSS is currently defined as a Class B sign of which a sign face is illuminated with digital technology and advertises or designates the use, occupant of the premises, or products sold on the premises.

Per the item's Fiscal Impact Statement, the proposed ordinance does not require any additional expenditures and thus there are no costs associated with its implementation.

According to Section 33-86 of the Miami-Dade County Code, permits are required to be obtained through the Department of Planning and Zoning to deal with signs and if the signs are electrically illuminated then it will require a separate electric permit and inspection. The Department will also issue inspections to approve signs and compliance.

Section 33-96.1 of the County Code currently states that Digital Point of Sale Signs are allowed in districts zoned Business Districts (BU) and Industrial Districts (IU) as well as in seaports, airports, sports stadiums, racetracks, and other similar facilities.

The item suggests that the amendments would ensure public safety and preserve community aesthetics. This is accomplished by allowing DPSS in buildings for public assemblage such as educational and religious facilities. The facilities will have more flexibility in advertising their activities and events.

Currently, in Broward County and Orange County, electronic signs are allowed in accordance with the Florida Building Code, sign height and area restrictions, and it must be static. They are allowed in most, if not all districts, except residential. Broward County allows that electronic signs that are required by law or necessary for public safety, in airport operations and terminal areas, and on agricultural properties are not subject to regulation under the Signs article in the Broward County Code. In Orange County, electronic signs must be ground or pylon signs.

The table below shows the original Section 33-96.1 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

<b>Section 33-96.1 of the County Code</b>	<b>Proposed changes to Section 33-96.1 of the County Code</b>
<p>Subject to the following mandatory conditions, Digital Point-of-Sale Signs ("DPSS"), shall be permitted in BU and IU districts, seaports, airports, sports stadiums, racetracks, and other similar uses as follows:</p> <p>(a) A Digital Point-of-Sale Sign (DPSS) means a Class B sign on which a sign face is illuminated with digital technology. This <b>section</b> shall apply to Class B (Point-of-Sale) signs only.</p>	<p>&gt;&gt;(a)&lt;&lt; <del>[[Subject to the following mandatory conditions,]]</del> Digital Point-of-Sale Sign<del>[[s]]</del> ("DPSS")<del>[[.]]</del> shall &gt;&gt;<u>mean a Class B (Point of Sale) sign on which a sign face is illuminated with digital technology. This section shall apply only to DPSS. A DPSS shall</u>&lt;&lt; be permitted <del>[[in]]</del>&gt;&gt;:</p> <p>(1) <u>In</u>&lt;&lt; BU and IU districts&gt;&gt;; or</p> <p>(2) <u>For buildings or other structures intended for public assemblage, wherein provisions are made for 50 or more persons to assemble in one room or structure,</u></p>

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(b) A DPSS shall conform to all sign size, placement, setback, and quantity limitations as provided elsewhere in this chapter and shall comply with all building code requirements.

(c) Each DPSS shall comply with **Section 33-96** of this chapter.

(d) A minimum of ten (10) acres gross improved land area shall be required for the placement of a DPSS.

(e) With the exception of airports or seaports, the subject DPSS shall be located only on a major or minor roadway as depicted on the adopted Comprehensive Development Master Plan Land Use Plan map.

(f) A detached DPSS shall be surrounded by a minimum of twenty-five (25) square feet of landscaped area. A plan indicating such landscape area shall be submitted to the Director at the time of building permit application.

(g) The content of the DPSS shall be limited solely to the promotion of products or services offered on the premises. The only fixed message shall be the name of the company possessing a valid Certificate of Use for the subject premises.

(h) A DPSS on which thirty (30) percent or less of the sign face is illuminated with digital technology shall not be subject to the minimum land area, landscaping, and roadway placement criteria set forth in subsections (d), (e), and (f) above.

including, without limitation, educational facilities, religious facilities<<, seaports, airports, sports stadiums, racetracks, and other similar uses>>.

(b) DPSS shall be subject to the following mandatory conditions<< [[as follows]]:

~~[[a)] A Digital Point of Sale Sign (DPSS) means a Class B sign on which a sign face is illuminated with digital technology. This section shall apply to Class B (Point of Sale) signs only.~~

~~[[b)]~~ >>(1)<< A DPSS shall conform to all sign size, placement, setback, and quantity limitations as provided elsewhere in this chapter and shall comply with all building code requirements.

~~[[c)]~~ >>(2)<< Each DPSS shall comply with **Section 33-96** of this chapter.

~~[[d)]~~ >>(3)<< A minimum of ~~[[ten (10)]]~~ >>10<< acres gross improved land area shall be required for the placement of a DPSS.

~~[[e)]~~ >>(4)<<With the exception of airports or seaports, the subject DPSS shall be located only on a major or minor roadway as depicted on the adopted Comprehensive Development Master Plan Land Use Plan map.

~~[[f)]~~ >>(5)<< A detached DPSS shall be surrounded by a minimum of ~~[[twenty five (25)]]~~ >>25<< square feet of landscaped area. A plan indicating such landscape area shall be submitted to the Director at the time of building permit application.

~~[[g)]~~ >>(6)<< The content of the DPSS shall be limited solely to the promotion of products or services offered on the premises. The only fixed message shall be the name of the company possessing a valid Certificate of Use for the subject premises.

~~[[h)]~~ >>(7)<< A DPSS on which ~~[[thirty (30)]]~~ >>30<< percent or less of the sign face is illuminated with digital technology shall not be subject to the minimum land area, landscaping, and roadway placement criteria set forth in subsections ~~[[d), (e), and (f)]~~ >>(3), (4), and (5)<< above.

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The table below shows the original Section 33-96 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or ~~[[double bracketed]]~~ shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 33-96 of the County Code	Proposed changes to Section 33-96 of the County Code
<p>(d) Variances.</p> <p>(2) <i>Area Variances.</i> Notwithstanding the foregoing, area variances from the requirements of <b>Section 33-96.1</b>(b), (d), and (f), regarding sign size, setback, spacing, distance, quantity, minimum land area, and landscaping may be granted where the applicant demonstrates that the benefits to granting the area variance outweigh any detriments to the community. The Board shall consider the following factors in making this determination: (i) whether the area variance would create an undesirable change in the character of the neighborhood or a detriment to nearby properties; (ii) whether the benefit can be achieved by some other method; (iii) whether the area variance is substantial; (iv) whether the area variance will have an adverse effect on physical or environmental conditions in the neighborhood or district; and (v) whether the alleged difficulty was self-created, provided that the existence of a self-created difficulty shall be relevant to a board's decision but shall not necessarily preclude the granting of the area variance. The applicant shall also demonstrate that granting the area variance maintains the basic intent and purpose of the zoning, subdivision, and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the area variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required for an area variance.</p>	<p>(d) Variances.</p> <p>(2) <i>Area Variances.</i> Notwithstanding the foregoing, area variances from the requirements of <b>Section 33-96.1</b>(b)&gt;&gt;(1)&lt;&lt;, (<del>[[d]]</del>&gt;&gt;3&lt;&lt;), and (<del>[[f]]</del>&gt;&gt;5&lt;&lt;), regarding sign size, setback, spacing, distance, quantity, minimum land area, and landscaping may be granted where the applicant demonstrates that the benefits to granting the area variance outweigh any detriments to the community. The Board shall consider the following factors in making this determination: (i) whether the area variance would create an undesirable change in the character of the neighborhood or a detriment to nearby properties; (ii) whether the benefit can be achieved by some other method; (iii) whether the area variance is substantial; (iv) whether the area variance will have an adverse effect on physical or environmental conditions in the neighborhood or district; and (v) whether the alleged difficulty was self-created, provided that the existence of a self-created difficulty shall be relevant to a board's decision but shall not necessarily preclude the granting of the area variance. The applicant shall also demonstrate that granting the area variance maintains the basic intent and purpose of the zoning, subdivision, and other land use regulations, which is to protect the general welfare of the public, particularly as it affects the stability and appearance of the community and provided that the area variance will be otherwise compatible with the surrounding land uses and would not be detrimental to the community. No showing of unnecessary hardship to the land is required for an area variance.</p>

**ADDITIONAL INFORMATION**

In Broward County, Electronic Message Signs (EMS) are allowed where permanent signs are permissible as long as they are in accordance with sign height and area restrictions and must be static. A permanent sign permit is required before installing an EMS. Signs that are on agricultural properties, required by law or necessary for public safety, and in airport operations areas and terminal complexes are exempt from regulation under the article.

[https://library.municode.com/fl/broward\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH39ZO\\_ARTVISI\\_S39-61SICOINALOTZODI](https://library.municode.com/fl/broward_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH39ZO_ARTVISI_S39-61SICOINALOTZODI)

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**Research Notes**

In Orange County, an electronic message center (EMC) are only permitted as ground or pylon signs. Public service message signs are also permitted as they fall under EMCs. The signs are permitted in professional-office, commercial, and industrial zoned districts and must be static.

[https://library.municode.com/fl/orange\\_county/codes/code\\_of\\_ordinances?nodeId=ORCOCO\\_CH31.5SI\\_ARTITESI](https://library.municode.com/fl/orange_county/codes/code_of_ordinances?nodeId=ORCOCO_CH31.5SI_ARTITESI)

The image below is an example of a Digital Point of Sale Sign (DPSS):

<http://www.miamidade.gov/building/standards/signs-permits.asp>



**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 7C  
File No. 181420**

**Researcher: LE Reviewer: PGE**

ORDINANCE RELATING TO ZONING; AMENDING SECTIONS 33-1 AND 33-25.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING REGULATIONS PERTAINING TO HOME OFFICE USE; REDEFINING HOME OFFICE AS HOME OCCUPATION; PROVIDING CONDITIONS UNDER WHICH HOME OCCUPATIONS ARE ALLOWED IN RESIDENTIAL AREAS IN THE UNINCORPORATED AREA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Sections 33-1 and 33-25.1 of the County Code to revise regulations pertaining to home office use to provide for a broader scope of activities as authorized in the Comprehensive Development Master Plan (CDMP) for home occupations in residential properties.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code Section 33-1 defines a home office as an office designed for and operated as a home occupation/office in a dwelling unit of which is carried on by a person residing in the unit for written correspondence, telephones, computers, and other common office equipment.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTIINGE\\_S33-1DE](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-1DE)

Miami-Dade County Code Section 33-25.1 provides the regulations and guidance for utilizing a portion of a residence as a “home office.” A home office is permitted as an ancillary use to all lawful residential uses subject to limitations such as area devoted to the home office, permitted members to use the home office, signage, service to customers on the property, manufacturing and display, and changes to the building’s residential character.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH33ZO\\_ARTIINGE\\_S33-25.1HOOF](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH33ZO_ARTIINGE_S33-25.1HOOF)

The Land Use Element of the Comprehensive Development Master Plan (CDMP) states that home occupations and other similar uses may be approved in residential communities provided that office and business use is separate from home use, the site is under single-ownership, and the minimum contiguous land area is 40 acres.

<https://www.miamidade.gov/planning/library/reports/planning-documents/cdmp/land-use.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Jean Monestime, District 2**

**Requester/Department: None**

The proposed ordinance was adopted on first reading at the Board meeting on June 19, 2018. The ordinance was then considered at the Government Operations Committee meeting on July 16, 2018 wherein it was forwarded to the Board with a favorable recommendation. The following discussion was held at the committee meeting:

- A member of the public spoke and raised concerns for cottage industries and citizens who work from home who may be affected. Concerns included how the proposed ordinance would be enforced, proper notification and communication to people who work from home, access to businesses/services for citizens in unincorporated neighborhoods, and the priority level of the ordinance. The commenter concluded that the ordinance would be counterintuitive as it will not help small businesses.

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- Commissioner Monestime mentioned that the item will help expand the opportunities for community members, such as artists, who want to have a home-based business and the County will still ensure that neighborhood aesthetics are maintained.
- Commissioner Martinez requested clarification on what the item is purporting to do. A departmental representative stated that the proposed ordinance would amend the current ordinance by expanding the definition of home office to allow more uses in a controlled manner and establishing a standard. The County currently allows just office use. The representative explained that the expanded scope would allow music teachers and artists, such as a floral designer. The limitations under the ordinance would include the appearance of the facility, no products/goods could be sold on the premises, noise/traffic generation, and the use of suppliers/deliveries/machinery, and parking.
- Commissioner Martinez further stated that he could not support the ordinance unless it was revised to limit the expanded use of a home office to the arts.
- The County Attorney said that the scope could be reduced and that the ordinance currently would prohibit the sale of products/goods on the residential premises.
- Commissioner Martinez asked if home offices should be taxed differently if they are partly business. Ed Marquez, the Deputy Mayor, explained that when you file taxes for business, you can take the home office deduction under certain IRS rules. A tax collector for the County explained that there are places in a home that can be taxed differently such as specific areas designated for business/work.
- Commissioner Sosa voiced concern that the proposed ordinance would interfere with the quality of life of the home office user's neighbor and that she would only support the ordinance in the context of a teacher providing music lessons to a student in the student's home. She requested that the sponsor defer the item so she could hold workshops in her district to gauge the community's response to the ordinance.
- Commissioner Monestime said he would work with Commissioner Martinez to revise the ordinance to reduce its scope before the item travels to the Board.

**ANALYSIS**

The proposed ordinance amends Section 33-1 and Section 33-25.1 of the Code of Miami-Dade County (1) to revise regulations and definitions pertaining to a home office and its use; (2) to provide conditions under which home occupations are allowed in residential areas in the unincorporated area; and (3) to make technical revisions. Per the item's Fiscal Impact Statement, the implementation of the proposed ordinance will not have a fiscal impact to Miami-Dade County. The Code Compliance Division of RER is responsible for monitoring and enforcing lawful home office use.

Section 33-1 of the County Code currently defines a home office as an office designed for and operated as a home occupation/office location in a dwelling unit. It precludes a business operation which requires or permits customers or patrons to visit the dwelling. It provides that the incidental taking of office work home and completing the same by a person having a business address other than the residence, shall not constitute the establishment of a home office and shall continue to be permitted in conjunction with a residential use without regard to provisions in Section 33-25.1 of the County Code.

The proposed Ordinance amends Section 33-1 to update the current definition and regulations pertaining to home offices to provide a broader scope of activities authorized in the Comprehensive Development Master Plan (CDMP) for home occupations in residential properties and safeguarding residential communities.

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Additionally, the proposed Ordinance amends Section 33-25.1 to provide technical revisions and update the regulations and limitations in home offices such as size, appearance, permitted activities, noise, traffic, and permitted visitors.

The purpose of regulating home office use is to ensure that neighborhood aesthetics are maintained, i.e., upholding the integrity of the neighborhood’s residential character. However, in recent years, an increasing number of people are working from home in flexible and evolving work environments. Accordingly, the change to the code is being requested to update the regulations to provide greater flexibility to home-based occupations, while still maintaining the residential character of neighborhoods. “Cottage industries” are becoming more prominent, where small artisan producers work at home with their own equipment to produce goods/services that are generally not mass produced.

The table below shows the original Section 31-1 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 33-1 of the County Code	Proposed changes to Section 33-1 of the County Code
<p>For the purpose of this chapter, the following definitions for terms used herein shall apply to all <b>sections</b> of this chapter unless the context clearly indicates otherwise:</p> <p align="center">* * *</p> <p>Home office. An office designed for and operated as a home occupation/office location in a dwelling unit, and carried on by a person residing in the dwelling unit involving only written correspondence, telephones, computers, or other common office equipment, and which is clearly ancillary and secondary to the use of the dwelling for residential purposes. A home office shall preclude any business operation which requires or permits customers or patrons to visit the dwelling. The incidental taking of office work home and completing same, by a person having a business address other than the residence, shall not constitute the establishment of a home office and shall continue to be permitted in conjunction with a residential use without regard to the provisions of <b>Section 33-25.1</b> of this Code. It is further provided that an office use ancillary to a permitted, bona fide agricultural use shall not constitute a home office.</p>	<p>For the purpose of this chapter, the following definitions for terms used herein shall apply to all <b>sections</b> of this chapter unless the context clearly indicates otherwise:</p> <p align="center">* * *</p> <p>Home <del>[[office]]</del>&gt;&gt;occupation&lt;&lt;. &gt;&gt;An occupation&lt;&lt; <del>[[An office designed for and operated as a home occupation/office location in a dwelling unit, and]]</del> carried on &gt;&gt;solely&lt;&lt; by <del>[[a person residing in the]]</del>&gt;&gt;the occupant or occupants of a&lt;&lt; dwelling unit <del>[[involving only written correspondence, telephones, computers, or other common office equipment, and]]</del> which is <del>[[clearly]]</del> ancillary and secondary to the use of the dwelling for residential purposes. <del>[[A home office shall preclude any business operation which requires or permits customers or patrons to visit the dwelling. The incidental taking of office work home and completing same, by a person having a business address other than the residence, shall not constitute the establishment of a home office and shall continue to be permitted in conjunction with a residential use without regard to the provisions of Section 33-25.1 of this Code. It is further provided that an office use ancillary to a permitted, bona fide agricultural use shall not constitute a home office.]]</del></p>

The table below shows the original Section 33-25.1 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.



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Section 33-25.1 of the County Code	Proposed changes to Section 33-25.1 of the County Code
<p><b>Sec. 33-25.1. Home office</b></p> <p>(A) A home office shall be permitted as an ancillary use to all lawful residential uses subject to the following limitations:</p> <ol style="list-style-type: none"> <li>1. The area of the dwelling unit devoted to a home office shall not exceed two hundred (200) square feet of the living area of the dwelling unit, including garages.</li> <li>2. The home office shall not be conducted in any accessory building or other structure detached from the residence except that a home office may be allowed in the habitable space on the second floor of a detached garage on a rowhouse lot in the RU-RH district.</li> <li>3. The home office use must be conducted by a member of the household residing in the dwelling unit, and no person shall be employed at any time in connection with the home office use who is not a member of the household residing in the dwelling unit except that a disabled individual may employ a personal care attendant as necessary to accommodate a home use office on the site by such individual.</li> <li>4. No sign relating to the home office may be posted or displayed on the site and no vehicle with any sign displaying the home office use or home office residential address, which might serve to indicate that the dwelling unit is being used for a home office, may be located on the site.</li> <li>5. No customer, vendee, client or other patron shall be served in person on the site, nor shall the home office use be conducted in any way which would necessitate the presence of suppliers or patrons on the site, with the exception of deliveries customary to residential use.</li> <li>6. There shall be no display, manufacturing, distribution, or repair of any type of materials, merchandise or other products on the premises. Storage of such items shall be confined to the home office area.</li> <li>7. There shall be no change in the outside residential character of the building or premises as a result of the</li> </ol>	<p><b>Sec. 33-25.1. Home <del>[[office]]</del>&gt;&gt;<u>occupation</u>&lt;&lt;</b></p> <p>(A) A home <del>[[office]]</del>&gt;&gt;<u>occupation</u>&lt;&lt; shall be permitted as an ancillary use to all lawful residential uses subject to the following limitations:</p> <ol style="list-style-type: none"> <li>1. &gt;&gt;<u>Size</u>. No more than 25 percent of the living area of <u>the dwelling unit and garages, not to exceed 500 square feet, may be devoted to a home occupation.</u>&lt;&lt;[[<del>The area of the dwelling unit devoted to a home office shall not exceed two hundred (200) square feet of the living area of the dwelling unit, including garages.</del>]]</li> <li>2. &gt;&gt;<u>Appearance</u>. All onsite structure shall maintain a <u>residential appearance and all occupational materials and activities shall occur indoors. There shall be no display, manufacturing, distribution, or repair of any type of materials, merchandise, or other products on the premises. Storage of occupational materials shall be confined to the home occupation area and shall not affect the residential appearance of the site.</u>&lt;&lt;[[<del>The home office shall not be conducted in any accessory building or other structure detached from the residence except that a home office may be allowed in the habitable space on the second floor of a detached garage on a rowhouse lot in the RU-RH district.</del>]]</li> <li>3. [[<del>The home office use must be conducted by a member of the household residing in the dwelling unit, and no person shall be employed at any time in connection with the home office use who is not a member of the household residing in the dwelling unit</del>]]&gt;&gt;<u>Employees and independent contractors onsite. Employees and independent contractors onsite who are associated with the home occupation shall be limited solely to occupants,</u>&lt;&lt; except that a disabled individual may employ a personal care attendant as necessary to accommodate a home <del>[[use office]]</del>&gt;&gt;<u>occupation</u>&lt;&lt; on the site by such individual &gt;&gt;<u>or such other reasonable accommodation necessary pursuant to federal law</u>&lt;&lt;.</li> <li>4. &gt;&gt;<u>Signage</u>.&lt;&lt; No sign relating to the home <del>[[office]]</del>&gt;&gt;<u>occupation</u>&lt;&lt; may be posted or displayed on the site [[<del>and no vehicle with any sign displaying the home office use or home office residential address, which</del></li> </ol>

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<p>conduct of such home office use, or any visible evidence thereof.</p> <p>8. More than one (1) home office may be permitted at any one (1) time in a dwelling unit, provided that each such home office complies with each of the aforesaid requirements and further provided that the combined total square footage of all home office uses in the dwelling unit does not exceed the provisions of (1) above.</p> <p>9. An annually renewable certificate of use and occupancy shall be obtained for any home office.</p>	<p><del>might serve to indicate that the dwelling unit is being used for a home office, may be located on the site]].</del></p> <p>5. <del>[[No customer, vendee, client or other patron shall be served in person on the site, nor shall the]]</del> &gt;&gt; <u>Visitors.</u> The &lt;&lt; home [[office]] &gt;&gt; <u>occupation</u> &lt;&lt; [[use]] &gt;&gt; <u>shall not</u> &lt;&lt; be conducted in any way which would necessitate the presence of suppliers <del>[[or patrons]]</del> on the site, with the exception of deliveries customary to residential use.</p> <p>6. &gt;&gt; <u>Parking.</u> <u>All vehicles associated with the home occupation shall only be parked within a driveway or in a designated parking area on the subject property; or, where there is no such driveway or designated parking area, such vehicles shall only be parked on the street or swale directly in front of the subject property. No more than two vehicles associated with the home occupation shall be parked on the subject property or on the street or swale directly in front of the subject property at any one time. In addition, no commercial vehicles shall be parked or stored on the subject property or on the street in connection with the home occupation.</u> &lt;&lt; <del>[[There shall be no display, manufacturing, distribution, or repair of any type of materials, merchandise or other products on the premises. Storage of such items shall be confined to the home office area.]]</del></p> <p>7. &gt;&gt; <u>Sales.</u> <u>No products or goods may be sold on premises.</u> &lt;&lt; <del>[[There shall be no change in the outside residential character of the building or premises as a result of the conduct of such home office use, or any visible evidence thereof.]]</del></p> <p>8. &gt;&gt; <u>Multiple home occupations.</u> &lt;&lt; More than one <del>[[1]]</del> home &gt;&gt; <u>occupation</u> &lt;&lt; <del>[[office]]</del> may be permitted at any one <del>[[1]]</del> time in a dwelling unit, provided that each such home &gt;&gt; <u>occupation</u> &lt;&lt; <del>[[office]]</del> complies with each of the aforesaid requirements and further provided that the combined total square footage of all home &gt;&gt; <u>occupation</u> &lt;&lt; <del>[[office]]</del> uses in the dwelling unit does not exceed the provisions of &gt;&gt; <u>paragraph</u> &lt;&lt; (1) above.</p> <p>9. &gt;&gt; <u>Noise.</u> <u>A home occupation shall produce no sound or vibration detectable at a distance greater than 100 feet from the residential structure. In addition, outdoor amplified sound relating to the home occupation shall</u></p>
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~~not be permitted at any time.<< [[An annually renewable certificate of use and occupancy shall be obtained for any home office.]]~~

>>10. *Traffic.* Vehicular traffic associated with the home occupation shall not exceed 45 percent above the average weekday trip generation for the residential use where the home occupation is located, per the Institute of Transportation Engineers (ITE) Trip Generation Manual.

11. *Certificate of Use.* An annually renewable certificate of use and occupancy shall be obtained for any home occupation. <<

**ADDITIONAL INFORMATION**

Broward County home-based businesses, or home occupation, involves the use of the residence as the primary business location for customers and storage of business related goods. A home office cannot have business operations occurring.  
<http://www.broward.org/Planning/CodeEnforcement/FAQs/Pages/HomeOffices.aspx>

Home occupations in Orange County prohibits business operations, customers, use of commercial vehicles, cottage food operations, and equipment not typically found or used for domestic household use in the residence.  
[https://library.municode.com/fl/orange\\_county/codes/code\\_of\\_ordinances?nodeId=ORCOCO\\_CH38ZO\\_ARTIVZODIESZOMA\\_S38-79COPEUSSPEXET](https://library.municode.com/fl/orange_county/codes/code_of_ordinances?nodeId=ORCOCO_CH38ZO_ARTIVZODIESZOMA_S38-79COPEUSSPEXET)

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**Item No. 7D  
File No. 181419**

**Researcher: LE Reviewer: PGE**

ORDINANCE RELATING TO SAFETY REGULATIONS AND INSPECTION OF VEHICLES PERFORMING SPECIAL TRANSPORTATION SERVICES; AMENDING SECTIONS 31-202 AND 31-207 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING A MECHANISM AND REQUIREMENTS FOR SELF CERTIFICATION OF VEHICLE INSPECTIONS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Sections 31-202 and 31-207 of the Miami-Dade County Code relating to the regulation of Special Transportation Service (STS) providers by providing a mechanism and requirements for self-certification of vehicle inspections.

**APPLICABLE LEGISLATION/POLICY**

Section 31-202 of the Miami-Dade County Code provides the definitions related to special transportation service carriers.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH31VEHI\\_ARTIVSPTRSECA\\_S31-202DE](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIVSPTRSECA_S31-202DE)

Section 31-207 of the Miami-Dade County Code delineates the safety regulations and inspection guidelines related to special transportation service carriers.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH31VEHI\\_ARTIVSPTRSECA\\_S31-207SAREIN](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIVSPTRSECA_S31-207SAREIN)

**PROCEDURAL HISTORY**

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

**Requester/Department: None**

The proposed Ordinance was adopted on first reading at the BCC meeting on June 19, 2018. It was then considered at the Transportation and Public Works Committee (TPWC) on July 18, 2018 wherein it was forwarded to the BCC with a favorable recommendation. The following discussion was held at the TPWC meeting:

- Commissioner Sosa clarified that STS vehicles would still have to undergo the same inspection standards they are currently under and the proposed ordinance will not reduce the safety requirements. She stated that the proposed ordinance would allow STS providers to be treated as other transportation providers such as drivers of taxis and Transportation Network Entities.
- Commissioner Higgins asked if the County still retained the right to perform spot inspections and Commissioner Sosa confirmed that the County had the right to perform random field inspections and STS providers would be required to provide the proof of inspections.

**FISCAL IMPACT**

If approved, this item will have an annual fiscal impact to the County of approximately \$46,000. The item allows for vehicle certification in lieu of an inspection. The County collects \$38.00 per vehicle inspection, and the inspection frequency varies with vehicle age from one to four inspections per year. One budgeted vehicle inspector position will be eliminated to offset the anticipated revenue loss.

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**ANALYSIS**

This item requests Board approval to amend Sections 31-202 and 31-207 of the Miami-Dade County Code relating to safety regulations and inspections of vehicles that perform special transportation services. Special transportation services include any transportation services provided by a motor carrier, for compensation, to passengers with disabilities.

If the motor vehicle is specifically designed to provide nonemergency medical transportation services or is a chauffeur-driven motor vehicle less than 31 feet in length and holds a capacity of less than 29 persons and more than 8 persons, the Consumer Services Department (CSD) will provide inspections on the following terms:

- One to two model years old will receive annual inspections
- Between and including three and four model years old will receive semi-annual inspections
- Between and including five and 15 model years old will receive quarterly inspections

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH4AMMETRVE\\_ARTIINOMETR\\_S4-49SAEHST](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH4AMMETRVE_ARTIINOMETR_S4-49SAEHST)

If the motor vehicle is a sedan, it will be subjected to annual inspections.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH31VEHI\\_ARTIILIREFREMOVE\\_S31-89VEST](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST)

CSD may also inspect any motor vehicle at any time.

Section 31-202 of the Code will be amended to provide the definitions of the County Mayor, the Director, and CSD. Section 31-207 of the Code will be amended to allow the option for special transportation services (STS) operators to self-certify that their vehicles are in compliance with the Code’s vehicle standards provisions upon being inspected by a certified master mechanic or automobile technician, as a replacement of an inspection by CSD. The self-certification allows for a more flexible mechanism for compliance, however, the Department of Transportation and Public Works (DTPW) will not have the same level of oversight as it currently does and that may affect compliance with the standards in the Code. DTPW will execute random field inspections to continue monitoring and enforcing compliance to ensure safety vehicle requirements are met. Proof of inspection must be made available upon request.

The table below shows the original Section 31-202 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

<b>Section 31-202 of the County Code</b>	<b>Proposed changes to Section 31-202 of the County Code</b>
<p><b>Sec. 31-202. - Definitions.</b> For the purposes of this article, the following definitions shall apply:</p> <p>(a) <i>Special transportation services certificate of transportation</i> means the holder thereof may engage in providing the special transportation services described thereon and consistent with the terms and restrictions contained in the applicable Miami-Dade County contract relating thereto.</p>	<p><b>Sec. 31-202. - Definitions.</b> For the purposes of this article, the following definitions shall apply:</p> <p>(a) <i>Special transportation services certificate of transportation</i> means the holder thereof may engage in providing the special transportation services described thereon and consistent with the terms and restrictions contained in the applicable Miami-Dade County contract relating thereto.</p>

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<p>(b) <i>Chauffeur</i> means a duly licensed driver registered with and authorized by the Consumer Services Department to operate a special transportation services vehicle.</p> <p>(c) <i>Commission</i> means the Board of County Commissioners of Miami-Dade County, Florida.</p> <p>(d) <i>Common carrier</i> means any motor carrier who holds his services out to the public.</p> <p>(e) <i>Special transportation services</i> means any transportation services provided by a motor carrier, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services, pursuant to a written contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services or pursuant to a written contract with a broker which has a written contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services.</p> <p>(f) <i>County Manager</i> means the chief executive officer and head of the administrative branch of the County government as provided in Article III of the Home Rule Charter of Miami-Dade County, Florida.</p> <p>(g) <i>Director</i> means the Miami-Dade County Consumer Services Department director.</p> <p>(h) <i>For compensation</i> means for money, property, service or anything else of value.</p> <p>(i) <i>Operate</i> means providing transportation services for compensation utilizing a special transportation services motor vehicle pursuant to a contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services.</p> <p>(j) <i>Operator</i> means any person who has been issued a special transportation services certificate of transportation in accordance with the provisions of this article.</p>	<p>(b) <i>Chauffeur</i> means a duly licensed driver registered with and authorized by the Consumer Services Department to operate a special transportation services vehicle.</p> <p>(c) <i>Commission</i> means the Board of County Commissioners of Miami-Dade County, Florida.</p> <p>(d) <i>Common carrier</i> means any motor carrier who holds his services out to the public.</p> <p>(e) <i>Special transportation services</i> means any transportation services provided by a motor carrier, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services, pursuant to a written contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services or pursuant to a written contract with a broker which has a written contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services.</p> <p>(f) <i>County</i> <del>[[Manager]]</del> &gt;&gt;Mayor&lt;&lt; means the chief executive officer and head of the administrative branch of the County government as provided in Article III of the Home Rule Charter of Miami-Dade County, Florida.</p> <p>(g) <i>Director</i> means the Miami-Dade County &gt;&gt;Department of Transportation and Public Works&lt;&lt; <del>[[Consumer Services Department]]</del> director &gt;&gt;or the director of the successor department&lt;&lt;.</p> <p>(h) <i>For compensation</i> means for money, property, service or anything else of value.</p> <p>(i) <i>Operate</i> means providing transportation services for compensation utilizing a special transportation services motor vehicle pursuant to a contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services.</p> <p>(j) <i>Operator</i> means any person who has been issued a special transportation services certificate of</p>
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<p>(k) <i>CSD</i> means the Miami-Dade County Consumer Services Department.</p> <p>(l) <i>Special transportation services motor carrier or motor carrier</i> means any person owning, controlling, operating or managing any motor vehicle used in the business of providing special transportation services for compensation pursuant to a contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services.</p> <p>(m) <i>Permit</i> means an operating permit authorizing the holder thereof to utilize the motor vehicle described in said permit to provide special transportation services to passengers as authorized by a special transportation services certificate issued pursuant to this article.</p> <p>(n) <i>Person</i> means any individual, corporation, firm, partnership, limited partnership, association or joint stock association.</p> <p>(o) <i>Registration</i> means a chauffeur's registration authorizing the holder thereof to operate passenger motor vehicles subject to the provisions of this article.</p> <p>(p) <i>Street</i> means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place located in the County and established for the use of motor vehicle.</p> <p>(q) <i>MDTA</i> means the Miami-Dade Transit Agency.</p> <p>(r) <i>Special transportation services motor vehicle</i> means any chauffeur-driven motor vehicle engaged in providing special transportation services to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services, pursuant to a contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services.</p> <p>(s) <i>Sedan</i> means a special transportation services motor vehicle, not equipped with a taximeter, with at least four (4) doors and providing seating</p>	<p>transportation in accordance with the provisions of this article.</p> <p>(k) <i>CSD</i> means the &gt;&gt;<u>Passenger Transportation Regulatory Division of the Department of Transportation and Public Works, or its successor department or division, which was formerly known as the</u>&lt;&lt; Miami-Dade County Consumer Services Department.</p> <p>(l) <i>Special transportation services motor carrier or motor carrier</i> means any person owning, controlling, operating or managing any motor vehicle used in the business of providing special transportation services for compensation pursuant to a contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services.</p> <p>(m) <i>Permit</i> means an operating permit authorizing the holder thereof to utilize the motor vehicle described in said permit to provide special transportation services to passengers as authorized by a special transportation services certificate issued pursuant to this article.</p> <p>(n) <i>Person</i> means any individual, corporation, firm, partnership, limited partnership, association or joint stock association.</p> <p>(o) <i>Registration</i> means a chauffeur's registration authorizing the holder thereof to operate passenger motor vehicles subject to the provisions of this article.</p> <p>(p) <i>Street</i> means any public street, avenue, road, boulevard, alley, lane, highway, sidewalk, public park, viaduct or other public place located in the County and established for the use of motor vehicle.</p> <p>(q) <i>MDTA</i> means the &gt;&gt;<u>Department of Transportation and Public Works, or its successor department, which was formerly known as the</u>&lt;&lt; Miami-Dade Transit Agency.</p> <p>(r) <i>Special transportation services motor vehicle</i> means any chauffeur-driven motor vehicle engaged in providing special transportation services to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who</p>
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<p>accommodations for not more than eight (8) persons, exclusive of driver.</p> <p>(t) <i>Broker</i> means any person who has entered into a contract with Miami-Dade County to provide specified administrative services only related to the provision of transportation services, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services.</p> <p>(u) <i>Service provider</i> means any person who has entered into a contract with a broker to provide transportation services, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services.</p> <p>(v) <i>Paratransit services</i> means any transportation services provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by an individual user at a certain time that is agreed upon by the user and the service provider.</p> <p>(w) <i>The Americans with Disabilities Act of 1990</i> or the <i>ADA</i> means the civil rights act signed into law on July 26, 1990 as Public Law 101-336, 104 Stat. 327, as the same may be amended from time to time.</p> <p>(x) <i>The ADA-defined area of Miami-Dade County</i> means the complementary paratransit service area as required by the ADA or any federal regulations established pursuant to the ADA. The service area includes an area with a width of three-fourths of a mile on each side of each of Miami-Dade County's fixed bus routes and an area consisting of a circle with a radius of three-fourths of a mile around each Metrorail station.</p> <p>(y) <i>Paratransit passenger</i> means an individual receiving paratransit services who has a physical or mental impairment as defined by the ADA that substantially limits one (1) or more of the major life activities of such individual, has a record of such</p>	<p>are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services, pursuant to a contract with Miami-Dade County for the provision of Miami-Dade Transit Agency services.</p> <p>(s) <i>Sedan</i> means a special transportation services motor vehicle, not equipped with a taximeter, with at least four (4) doors and providing seating accommodations for not more than eight (8) persons, exclusive of driver.</p> <p>(t) <i>Broker</i> means any person who has entered into a contract with Miami-Dade County to provide specified administrative services only related to the provision of transportation services, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services.</p> <p>(u) <i>Service provider</i> means any person who has entered into a contract with a broker to provide transportation services, for compensation, to passengers with disabilities, including non-ambulatory individuals who use wheelchairs, or individuals who are eligible for Medicaid as determined by the Florida Department of Health and Rehabilitative Services.</p> <p>(v) <i>Paratransit services</i> means any transportation services provided for compensation to passengers with disabilities by motor carriers between specific origins and destinations selected by an individual user at a certain time that is agreed upon by the user and the service provider.</p> <p>(w) <i>The Americans with Disabilities Act of 1990</i> or the <i>ADA</i> means the civil rights act signed into law on July 26, 1990 as Public Law 101-336, 104 Stat. 327, as the same may be amended from time to time.</p> <p>(x) <i>The ADA-defined area of Miami-Dade County</i> means the complementary paratransit service area as required by the ADA or any federal regulations established pursuant to the ADA. The service area includes an area with a width of three-fourths of a mile on each side of each of Miami-Dade County's fixed bus routes and an area consisting of a circle with a</p>
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<p>impairment or has been regarded as having such an impairment.</p>	<p>radius of three-fourths of a mile around each Metrorail station.</p> <p>(y) <i>Paratransit passenger</i> means an individual receiving paratransit services who has a physical or mental impairment as defined by the ADA that substantially limits one (1) or more of the major life activities of such individual, has a record of such impairment or has been regarded as having such an impairment.</p>
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The table below shows the original Section 31-207 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

<b>Section 31-207 of the County Code</b>	<b>Proposed changes to Section 31-207 of the County Code</b>
<p><b>Sec. 31-207. – Safety regulations and inspection.</b></p> <p>(a) <i>Adoption</i>; enforcement. The Consumer Services Department (CSD) shall adopt and enforce all safety regulations of the United States Department of Transportation that are applicable to passenger motor carriers and passenger motor vehicle carriers, as required for operation in an urban area. Any operator applying for a certificate or permit requiring or authorizing the use of a specialized or unique vehicle, not contemplated in United States Department of Transportation regulations, shall submit, subject to approval by CSD, safety regulations for each specific type of vehicle as to equipment, operation, maintenance, seating capacity and inspection of such vehicles, consistent with the vehicle manufacturer specifications, which must be submitted by the operator. The CSD shall develop special standards to be applied to motor vehicles older than five (5) years which are operated as passenger motor vehicles in order to assure that such vehicles are safe.</p> <p>(b) <i>Vehicle age</i>. No vehicle older than fifteen (15) model years shall be operated as a passenger motor carrier.</p>	<p><b>Sec. 31-207. – Safety regulations and inspection.</b></p> <p>(a) <i>Adoption</i>; enforcement. &gt;&gt;CSD&lt;&lt; [[<del>The Consumer Services Department (CSD)</del>]] shall adopt and enforce all safety regulations of the United States Department of Transportation that are applicable to passenger motor carriers and passenger motor vehicle carriers, as required for operation in an urban area. Any operator applying for a certificate or permit requiring or authorizing the use of a specialized or unique vehicle, not contemplated in United States Department of Transportation regulations, shall submit, subject to approval by CSD, safety regulations for each specific type of vehicle as to equipment, operation, maintenance, seating capacity and inspection of such vehicles, consistent with the vehicle manufacturer specifications, which must be submitted by the operator. The CSD shall develop special standards to be applied to motor vehicles older than five (5) years which are operated as passenger motor vehicles in order to assure that such vehicles are safe.</p> <p>(b) <i>Vehicle age</i>. No vehicle older than fifteen (15) model years shall be operated as a passenger motor carrier.</p>

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(c) *Inspection for compliance.* CSD shall provide for inspection of each vehicle as follows for compliance with the foregoing standards:

(1) If the vehicle is a motor vehicle that is specially designed, constructed, reconstructed, or equipped to provide nonemergency medical transportation services, such vehicle must be inspected in accordance with the requirements enumerated in **Section 4-49(b)** of the Code of Miami-Dade County.

(2) If the vehicle is a sedan, such vehicle must be inspected in accordance with the requirements enumerated in **Section 31-89(d)** of the Code of Miami-Dade County.

(3) Finally, if the vehicle is a chauffeur-driven motor vehicle less than thirty-one (**31**) feet in length and with a rated seated capacity of less than twenty-nine (29) persons and more than eight (8) persons, exclusive of driver, such vehicle must be inspected in accordance with the requirements enumerated in **Section 31-107(c)** of the Code of Miami-Dade County.

CSD shall charge a fee for such inspections. In addition to regular inspections, the CSD may also inspect any special transportation services motor vehicle at any time. The results of each inspection shall be recorded and a copy provided the operator. Any vehicle failing to meet required safety standards [shall not be operated as a special transportation service carrier] until such time as the vehicle satisfactorily passes inspection.

(c) *Inspection for compliance.* CSD shall provide for inspection of each vehicle as follows for compliance with the foregoing standards:

(1) If the vehicle is a motor vehicle that is specially designed, constructed, reconstructed, or equipped to provide nonemergency medical transportation services, such vehicle must be inspected in accordance with the requirements enumerated in **Section 4-49(b)** of the Code of Miami-Dade County.

(2) If the vehicle is a sedan, such vehicle must be inspected in accordance with the requirements enumerated in **Section 31-89(d)** of the Code of Miami-Dade County.

(3) Finally, if the vehicle is a chauffeur-driven motor vehicle less than thirty-one (**31**) feet in length and with a rated seated capacity of less than twenty-nine (29) persons and more than eight (8) persons, exclusive of driver, such vehicle must be inspected in accordance with the requirements enumerated in **Section 31-107(c)** of the Code of Miami-Dade County.

CSD shall charge a fee for such inspections. In addition to regular inspections, the CSD may also inspect any special transportation services motor vehicle at any time. The results of each inspection shall be recorded and a copy provided the operator. Any vehicle failing to meet required safety standards [shall not be operated as a special transportation service carrier] until such time as the vehicle satisfactorily passes inspection.

>>(d) In lieu of an inspection performed by CSD, a permit holder shall have the option to certify that such vehicle complies with the requirements of sections 4-49, 31-89, or 31-107. Before any vehicle may be operated under the authority of such permit, the permit holder shall ensure that each such vehicle has a safety inspection conducted by an American Advanced Technicians Institute (“AATI”) or National Institute for Automotive Service Excellence (“ASE”) certified master mechanic or automobile technician at a licensed or state-registered auto repair shop and that proof of inspection for each such vehicle, in the form

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required by CSD, has been submitted to the permit holder and is available for inspection.

1. The permit holder shall maintain records of all vehicle inspections for at least three years and provide proof of such inspections upon request by CSD or any code enforcement officer.
2. Upon request by CSD or any individual authorized by the Director, a chauffeur shall provide documentation demonstrating that the vehicle has been inspected pursuant to section 4-49, 31-89, or 31-107.
3. It shall be unlawful for a permit holder to permit or to allow a vehicle to operate on the streets of Miami-Dade County which has not been certified in accordance with the provisions of this article.
4. Any mechanic or technician who provides false information on an inspection form required pursuant to this section shall not be allowed to certify additional Special Transportation Services vehicles to be operated in Miami-Dade County. A permit holder that fails or does not follow the requirements of this section is subject to revocation or suspension of its permit pursuant to section 31-211. CSD shall periodically distribute its list of prohibited mechanics to all permit holders. Any inspection conducted by a prohibited mechanic shall be deemed invalid.

(e) If a permit holder elects to self-certify vehicles, the permit holder shall notify CSD in writing prior to certifying vehicles. <<

**ADDITIONAL INFORMATION**

STS vehicles for compensation under contract with Miami-Dade County must obtain a STS Certificate of Transportation. The certificate is valid for one year from April 1 to March 31 of the following year.

<https://www.miamidade.gov/licenses/special-transportation-vehicles.asp>

According to the Broward County Code, Nonemergency Medical Transportation Service providers must obtain a license from Broward County, valid for two years. Prior to issuing or renewal of a license, the Trauma Management Agency will inspect each vehicle a minimum of once a year to determine compliance.

[https://library.municode.com/fl/broward\\_county/codes/administrative\\_code?nodeId=CH33OPPOOTAG\\_PTIIIMETRRUR E 33.15STNOMETRSE](https://library.municode.com/fl/broward_county/codes/administrative_code?nodeId=CH33OPPOOTAG_PTIIIMETRRUR_E_33.15STNOMETRSE)

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**INPUT FROM DTPW**

OCA posed the following questions to DTPW. The questions are bulleted below and the associated answers have been italicized.

- The Fiscal Impact Statement notes that to offset revenue loss, a budgeted vehicle inspector position will be eliminated. How will DTPW determine which budgeted vehicle inspector to lay off? What is currently a budgeted vehicle inspector's salary?  
*Currently, there are two vacant vehicle inspector positions and one of them will not be filled. The salary range for this position is from \$33k to \$52k.*
  
- Why is it more efficient/flexible for STS providers to self-certify, especially since it will result in field inspections to secure compliance?  
*It will save time as they will conduct their own inspections instead of being included in DTPW conducted inspections with other for-hire vehicles (i.e. taxicabs, limousines, school buses). The Department's for-hire enforcement unit has always conducted random field inspections as required by the Code.*
  
- How often will random field inspections occur annually?  
*The enforcement unit is comprised of 19 enforcement officers/supervisors. On a monthly basis, supervisors prepare a schedule assigning each officer a particular area within the County for monitoring for-hire transportation activity. On a daily basis, officers visit different sites within the assigned area where for-hire transportation is provided (such as hospitals, hotels, or schools). Enforcement officers average 25 field contacts per day.*

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**Item No. 8A1  
File No. 181700**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING AWARD OF THE NONEXCLUSIVE LEASE AND CONCESSION AGREEMENT FOR COMMUNICATION SERVICES, RFP NO. MDAD-03-15, TO EXACTTA, LLC, WITH A MINIMUM ANNUAL GUARANTEE OF \$266,000.00 OR A PERCENTAGE FEE OF EIGHTEEN PERCENT, WHICHEVER IS GREATER, FOR A TERM OF FOUR YEARS, WITH ONE OPTION TO RENEW FOR A ONE YEAR PERIOD; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the award of a Lease and Concession Agreement to Exactta, LLC (Exactta) for a term of four years with one Option to Renew for a one year period through RFP No. MDAD-03-15, for communication services at Miami International Airport, with a Minimum Annual Guarantee of \$266,000 or a percentage fee of 18%, whichever is greater.

**APPLICABLE LEGISLATION/POLICY**

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

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

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

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

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

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

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

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; 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>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Aviation Department**

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Economic Development and Tourism Committee at its July 18, 2018 meeting. Prior to passage, the following discussion transpired:

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Chairwoman Sosa: Has MIA done business with Exactta in the past?

MDAD Director Lester Sola: Yes, this company had previously operated at the airport under a permit.

Chairwoman Sosa: Have there ever any been any problems with this company?

MDAD Director Lester Sola: During the two years' time Exactta was operating under a permit the company had nine instances of late payments to MIA. Ultimately the payments, along with any assigned penalties and interest, were paid to MIA. There were no issues with regards to the company's performance as it relates to the products being sold. However, there were associated companies selling similar products which resulted in customers issuing complaints, but the complaints were not specific to the company's performance under the permit. In the County's competitive procurement process, Exactta bid the highest Minimum Annual Guarantee and ranked the highest in technical score. MDAD engaged ISD as a result of complaints brought to MDAD's attention. ISD then conducted a responsibility review to the firm.

Chairwoman Sosa: The County has rules that when a company fails to perform, they are not allowed to compete for a certain amount of years. However, this company's noncompliance of failing to pay on time in nine instances was deemed substantiated in payment by MDAD, and contracting with the company is being brought forth as the best deal for the County.

MDAD Director Lester Sola: Revenue-wise, this is the best deal for the County.

Commissioner Moss: Can you clarify the relationship between the associated firms that had complaints lodged against them and Exactta?

MDAD Director Lester Sola: The complaints were related to the sale of calling cards, which are now obsolete due to the evolution of technology. Exactta now sells SIM cards, and no complaints have been issued in the provision of this service.

Commissioner Moss: What kind of conversation has been had with the company so that they can correct the behavior of issuing late payments going forward?

MDAD Director Lester Sola: It ultimately falls on the Administration or the airport staff to administer the contract. The commitment from MDAD going forward is that late payments and nonperformance will not be allowed, and companies will be defaulted if they do not abide by the terms of the contract.

Commissioner Moss (addressing a representative of Exactta): What is the company's response to the concern of late payments going forward?

Exactta Representative: During the test permit period, there was a misunderstanding as to when the payments were due. Once that was corrected, all the payments were made on time. There will be no issue moving forward.

Chairwoman Sosa (to the County Attorney): Can we add to the terms of the contract that there is a delay in compliance that the contract will be stopped immediately?

Assistant County Attorney: The contract does allow the vendor an opportunity to cure any potential default. Staff could be directed to monitor the contract and proceed with default where appropriate under the contract.

Commissioner Heyman: The County has a prompt payment policy that is violated all the time. Late payment by a couple days is not default since a reasonable time is given to cure. In this instance, it appears as if once the late payment problem was addressed, there were no problems going forward. Given the corrective measures in the contract there is no need to mandate stopping a business. Defaulting a business immediately is going too far, as it would put the service that they were contracted to provide in jeopardy.

**ANALYSIS**

The proposed Lease and Concession Agreement, for four years with one, one-year option to renew, provides for the provision of communication services at three locations—one location on the third level of Terminal J, International arrivals; one location on the first floor of Terminal D, International Arrivals; and one location at the Rental Car Center. The services to be provided include: selling or renting rechargeable prepaid SIM cards, pin phone cards and mobile phones (for rent and sale).

Six proposers responded to the Request for Proposals, advertised on May 17, 2016. All proposers were deemed responsive, responsible, and compliant with minimum qualifications. Exactta, LLC was the highest ranked proposer (both technical and price points), and will deliver a Minimum Annual Guarantee of \$266,000, which includes the annual rent for the locations, or a percentage fee of 18%, whichever is greater. The proposer with the next highest Minimum Annual Guarantee was Sim Cards U.S. with a proposed MAG of \$180,000 (with a 10% percentage fee).

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Per the terms of the Lease & Concession Agreement, the MAG will be adjusted after the first year, on the anniversary of the effective date, and every year thereafter during the term of the Agreement to reflect to the change in the Consumer Price Index for all urban consumers in the South Region, for the published, preceding twelve-month period.

**ADDITIONAL INFORMATION**

Exactta, LLC is a local Limited Liability Company that is active, and has been registered to do business in Florida since November 29, 2006.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=EXACTTA%20L060001145860&aggregateId=flal-106000114586-03490c2c-78bf-46e9-a925-f94a003a1510&searchTerm=exactta&listNameOrder=EXACTTA%20L060001145860>

***Exactta***

<http://www.exactta.com/>

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**Item No. 8B1  
File No. 181662**

**Researcher: MF Reviewer: TD**

RESOLUTION APPROVING THE INTERLOCAL AGREEMENT FOR SCHOOL YEAR 2018-19 WITH THE MIAMI-DADE COUNTY PUBLIC SCHOOLS' LINDSEY HOPKINS TECHNICAL COLLEGE FOR THE PROVISION OF ACADEMIC AND CAREER-TECHNICAL EDUCATION FOR INMATES IN THE AMOUNT NOT TO EXCEED \$400,000.00 TO BE PAID FROM THE INMATE WELFARE ACCOUNT AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY; AND TO EXERCISE THE CANCELLATION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Interlocal Agreement for school year 2018-19 with the Miami-Dade County Public Schools' Lindsey Hopkins Technical College for the provision of academic and career-technical education for inmates in the amount not to exceed \$400,000.00 and to be paid from the Inmate Welfare Account.

**APPLICABLE LEGISLATION/POLICY**

**Florida Statutes, Section 1009.22**, authorizes a set tuition fee, and states in part “[f]or adult general education programs, a block tuition of \$45 per half year of \$30 per term shall be assessed ... All funds received from the block tuition shall be used for adult general education programs.”

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=1000-1099/1009/Sections/1009.22.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=1000-1099/1009/Sections/1009.22.html)

**Florida Statutes, Section 945.215** governs the Inmate Welfare and Employee Benefit Trust Fund. Sub-paragraph (1)(b)(4) provides that funds in the trust fund may be used “[t]o provide literacy programs, vocational training programs, and educational programs that comply with standards of the Department of Education, including employing personnel and covering other operating and fixed capital outlay expenses associated with providing such programs ...”

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0900-0999/0945/Sections/0945.215.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0900-0999/0945/Sections/0945.215.html)

**Resolution No. R-832-17**, adopted by the Board on October 3, 2017, authorizes the execution of an Interlocal Agreement for school year 2017-18 with the Miami-Dade County Public Schools' Lindsey Hopkins Technical College for the provision of academic and career-technical education for inmates in the amount not to exceed \$400,000.00 to be paid from the Inmate Welfare account.

<http://intra/gia/matter.asp?matter=171610&file=true&yearFolder=Y2017>

**PROCEDURAL HISTORY**

**Prime Sponsor: Sally A. Heyman, District 4  
Department/Requester: Corrections & Rehabilitation**

The proposed resolution was considered at the July 17, 2018 Public Safety and Health Committee meeting; and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

For the past 30 years, Miami-Dade Corrections and Rehabilitation Department (MDCR) and Miami-Dade County Public Schools' (MDCPS) Lindsey Technical College have provided career-technical and academic education coursework in an effort to rehabilitate inmates. These programs include general education such as the General Equivalent Diploma, English for Speakers of Other Languages, and Adult Basic Education; and vocational programs such as Carpentry, Environmental Services, and Cosmetology.



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The inmate population is transient with 90 percent of the inmates being un-sentenced; the average length of stay is 14 days. As such, MDCR concentrates on the sentenced inmate population for its vocational services. They constitute approximately 10 percent of the inmate population. In addition, educational services are offered to all inmates. In Fiscal year 2017, 1,286 inmates enrolled in the ABE, 168 in the GED, 54 in ESOL, 120 in carpentry, 359 environmental services and 213 cosmetology programs. MDCR believes that this training provides necessary skill sets for a smooth transition into society and consequently helps to reduce recidivism once the inmates are released.

This arrangement has been renewed annually since the 1987-88 school year. The Agreement includes substantially the same provisions as the previous agreement covering the 2017-18 school year.

This item has no negative impact to Miami-Dade County. According to the Fiscal Impact Statement, tuition payment is based on the Miami-Dade County Public Schools' rate, not exceeding \$400,000 per school year. The program is funded through the Inmate Welfare Fund which receives revenues from the Inmate Commissary Program. Funding in the amount of \$400,000.00 has been set aside for the 2018-19 school year in the Inmate Welfare Fund budget for this purpose.

**ADDITIONAL INFORMATION**

An article dated March 2, 2018, entitled "Education Opportunities in Prison are Key to Reducing Crime", argues that "[r]ather than spending more to house the growing prison population and to fund excessive rates of incarceration, federal and state governments should focus instead on supporting rehabilitation and reducing recidivism. According to a study by the U.S. Sentencing Commission ... individuals younger than 21 who are released from federal prison are re-arrested at the highest rates of any age group. Individuals who did not complete high school were re-arrested at the highest rate – 60.4 percent – while those who had a college degree were re-arrested at a rate of 19.1 percent."

<https://www.americanprogress.org/issues/education-k-12/news/2018/03/02/447321/education-opportunities-prison-key-reducing-crime/>

**DEPARTMENT INPUT**

The Office of the Commission Auditor posed the following questions to the Miami-Dade Corrections and Rehabilitation Department, and has received the following responses:

- Please send us some information regarding the implementation of the education program for inmates. How successful has it been? **Educational, vocational and programming are key components of reentry services provided in jails. As such, MDCR has partnered with the Lindsey Hopkins Technical Education Center (LHTEC) to provide educational programs to adult inmates for many years. These programs include general education such as the General Equivalent Diploma, English for Speakers of Other Languages, and Adult Basic Education; and vocational programs such as Carpentry, Environmental Services, and Cosmetology. In Fiscal year 2017, 1,286 inmates enrolled in the ABE, 168 in the GED, 54 in ESOL, 120 in carpentry, 359 environmental services and 213 cosmetology programs. MDCR believes that the availability of these programs to the inmate population is an important tenant of reentry programs.**
  
- What percentage of eligible inmates have participated in this program? **It is important to indicate that in the jail environment, the inmate population is transient with 90% of the inmates being un-sentenced and the average length of stay is 14 days. As such, MDCR concentrates its vocational services to the sentenced inmate population which constitutes approximately 10% of the inmate population while educational services are offered to all inmates.**

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- How many inmates were able to obtain jobs after being discharged as a result of their participation in the program?  
**Inmates released from MDCR are no longer under our custody or purview and therefore, we do not capture post-release employment results.**

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Research Notes**

**Item No. 8C1  
File No. 181901**

**Researcher: PGE Reviewer: TD**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B) OF THE MIAMI-DADE COUNTY, FLORIDA CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT TO APPROVE AMENDMENT NO. 7 TO THE OPERATING MANAGEMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE ADRIENNE ARSHT CENTER TRUST, INC. AND APPROVING THE THIRD AMENDED AND RESTATED ARTICLES OF INCORPORATION OF THE TRUST; WAIVING RESOLUTION NO. R-130-06; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH CONTRACT AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve waiver of formal bid procedures by a two-thirds vote of the members present to authorize (1) Amendment No. 7 to the Operating Management Agreement between the County and the Adrienne Arsht Center Trust (Trust) and (2) the Third Amended and Restated Articles of Incorporation of the Trust.

**APPLICABLE LEGISLATION/POLICY**

Chapter 617 of the Florida Statutes sets forth the Corporations Not For Profit Act; Section 617.1007 allows a corporation's board of directors to restate its articles of incorporation at any time with or without a vote of the members.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0600-0699/0617/0617.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0600-0699/0617/0617.html)

Section 5.03D of the Home Rule Charter requires 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. However, the Board, upon written recommendation of the Mayor, may by resolution adopted by two-thirds vote of the members present waive competitive bidding when it finds this to be in the best interest of the County.

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

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

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

Resolution No. R-130-06, adopted by the Board on January 24, 2006, clarifies that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-County parties.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

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**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

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

This item was considered at the Parks and Cultural Affairs Committee on July 17, 2018 and forwarded to the Board with a favorable recommendation, as amended. The amendment changes the total number of Adrienne Arsht Center Trust Board of Directors from the proposed 51 to 55 members. The following discussion transpired at committee:

Commissioner Jordan recommended an amendment to increase the membership of the Trust Board from 51 to 55 members, giving additional slots to members of the arts community; she expressed concern relating to local governmental authorities appointing the majority of the Trust Board's membership; the Director of the Cultural Affairs Department confirmed that the amendment is friendly.

**ANALYSIS**

This item authorizes execution of Amendment No. 7 to the Operating Management Agreement between the County and the Trust as well as revisions to the Articles of Incorporation of the Trust. Moreover, the item is waiving the County's policy barring contracts from being placed on any committee or commission agenda unless the underlying contract is completely negotiated, in final form, and executed by all non-County parties. Waiver of the policy is being requested as the individuals required to sign the documents on behalf of the Trust are currently out-of-town.

The County and the Trust entered into the original Operating Management Agreement on July 13, 1993 to set forth the County's and Trust's respective obligations with respect to the planning, design, construction, furnishing and operations of the proposed performing arts facilities to be owned by the County on County property. In the ensuing years, the County issued bonds and incurred debt to finance the construction of the County-owned facilities previously known as the Performing Arts Center and now known as the Adrienne Arsht Center for the Performing Arts of Miami-Dade County. The original agreement has been amended six times, with the last amendment executed on February 5, 2008.

The scope of the agreement encompasses all matters relating to the services to be provided and the obligations to be performed by the Trust to the County, and the County's obligations to the Trust in connection with the operation of facilities and property owned by the County and known and designated as the Arsht Center, which consists of: (1) the John S. and James L. Knight Concert Hall; (2) the Ziff Ballet Opera House; (3) all fixtures, furniture and equipment contained therein which were purchased with County funds; and (4) County-owned land, south of NE 13th Street between NE 1st Avenue and NE 2nd Avenue, acquired for the purpose of providing parking for patrons and users of the Arsht Center and for the development of a park.

The primary changes under Amendment No. 7 are as follows:

(1) The current term expires on December 31, 2033. The term of the renewal period has been changed from one, 10-year term to three, 25-year terms.

(2) Section B has been revised to outline the remaining funding obligation for the Trust and the repayment terms of the \$30 million construction loan that the County entered into in 2007 to complete the building with the commitment of the Trust for repayment of the loan. The agreement now includes a revised repayment schedule that is structured on a graduated scale that will better enable the Trust to increase its fundraising to meet this obligation over the next 15 years, extending the repayment period from the originally scheduled end date of 2027 to 2033. The annual payment will be deducted by the County from the County's annual budget allocation to the Trust.

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(3) The prior agreement required that the Trust create an endowment capitalized at \$16 million. The updated agreement does not specify a minimum required amount for the endowment. The Trust's funding for the endowment currently stands at \$10 million, with a capital campaign underway with a goal to raise it to \$15 million.

Insurance requirements have been updated based on current standards and to include additional coverages: (1) property insurance in the amount of \$5 million as gap insurance; (2) property insurance for 100 percent of the replacement value of the contents; and (3) business interruption insurance in an amount sufficient to adequately cover continuing expenses.

As mentioned above, the revised agreement restructures the construction loan that the Trust is responsible for repaying to the County and requires that annual payments be deducted automatically from the County subsidy to the Trust. The repayment amount due by year is set forth below.

<b>Year</b>	<b>Amount</b>
2018	\$250,000
2019	\$500,000
2020	\$500,000
2021	\$750,000
2022	\$1,000,000
2023	\$1,250,000
2024	\$1,250,000
2025	\$1,500,000
2026	\$2,000,000
2027	\$2,000,000
2028	\$2,000,000
2029	\$2,000,000
2030	\$2,000,000
2031	\$2,000,000
2032	\$2,000,000
2033	\$2,925,000

Amendment No. 7 provides that the Trust shall not rely upon revenues from the County's General Fund to help pay for the programming, marketing, management, operations, maintenance and improvements to the Arsht Center. The Trust shall apply for available State, federal, local and private corporate grants, as well as engage in fundraising, to pay the expenses.

The primary changes under the Third Amended and Restated Articles of Incorporation of the Trust are as follows:

- (1) The name of the Trust is changed from Performing Arts Center Trust, Inc. to the Adrienne Arsht Center Trust, Inc.
- (2) The Board of Directors is expanded from 41 to 55 members. Local governmental authorities shall appoint 28 Directors and the Board of Directors shall appoint up to 27 Community Representative Directors.

A bid waiver is required due to the change in the composition of the Trust's Board of Directors, increasing the board's size from 41 to 55 members.

**ADDITIONAL INFORMATION**

See the link below for more information regarding the Trust's membership and meeting schedule.

<http://www.arshtcenter.org/About-Us/Board-Lists/>

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Research Notes**

**Item No. 8C2  
File No. 181603**

**Researcher: LE Reviewer: PGE**

RESOLUTION APPROVING THE FUNDING OF FOURTEEN GRANTS FOR A TOTAL OF \$100,400.00 FROM THE FISCAL YEAR 2017-2018 FOURTH QUARTER OF THE TOURIST DEVELOPMENT COUNCIL GRANTS PROGRAM ROOM TAX PLAN AND SURTAX CATEGORY TO PROMOTE MIAMI-DADE COUNTY TOURISM; WAIVING RESOLUTION NO. R-130-06, AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENTS WITH VARIOUS ENTITIES AND TO EXERCISE ALL PROVISIONS, INCLUDING CANCELLATION PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the funding of 14 grants for a total of \$100,400 from the Fiscal Year 2017-2018 Fourth Quarter of the Tourist Development Council Grants Program Room Tax Plan and Surtax Category to promote County tourism.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-130-06, adopted January 24, 2006, clarifies that proposed agenda items seeking approval of a contract or conveyance and authority to execute, require contracts or conveyances with non-governmental entities to be completely negotiated in final form, signed, and executed by all non-County parties in order to be placed on any committee or commission agenda.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

Ordinance No. 16-104, adopted on September 22, 2016, approves, adopts, and ratifies proprietary budgets, special assessment district budgets, and other Miami-Dade County budgets for FY 2016-17; incorporates FY 2016-17 proposed budget; appropriates all budgeted revenues and expenditures; and allocated \$1.25 million to TDC for FY 2017-18. <http://intra/gia/matter.asp?matter=162075&file=true&yearFolder=Y2016>

Florida Statutes Section 125.0104 delineates that any county in Florida may impose a tourist development tax and it shall be levied, imposed, and set by the governing board of the county, and collections shall be placed in the respective county tourist development trust fund.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=125.0104&URL=0100-0199/0125/Sections/0125.0104.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=125.0104&URL=0100-0199/0125/Sections/0125.0104.html)

Miami-Dade County Code Article 27 sets forth the creation of the tourism council, its purpose, powers, and the Board's responsibility to levy and impose a tourist development tax in the County.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXXVIIIMIDECOTODECO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXXVIIIMIDECOTODECO)

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

The proposed resolution was considered at the Economic Development and Tourism Committee on July 18, 2018 and was forwarded to the BCC with a favorable recommendation.

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**ANALYSIS**

The proposed resolution seeks to approve grant funding of up to \$100,400 for 14 grants for the Fiscal Year 2017-2018 Fourth Quarter Tourist Development Council (TDC) Grants Program. The agenda item is also requesting to waive Resolution No. R-130-06, which requires contracts with non-governmental entities to be signed by all parties before being placed on any agenda. Resolution No. R-130-06 is being requested to be waived to expedite the funding allocation for time sensitive, tourism-oriented, and community events occurring in the County.

The fiscal impact of the proposed resolution is countywide. Ordinance No. 16-104 specifies that \$1.25 million was allocated to the TDC for FY 2017-18. TDC's unspent grant funds of \$213,072 from FY 2016-17 have been carried over and is being appropriated into the FY 2017-18 program.

The table below shows the recommended award amounts to each organization/project, district location(s) for project activity, and their Sunbiz registration and classification for the 4<sup>th</sup> Quarter:

<b>Organization</b>	<b>District Location(s) for Project Activity</b>	<b>FY 2017-2018 TDC Recommendation</b>	<b>Sunbiz Registration Status</b>
1. Area Performance Gallery, Inc. d/b/a Area Stage Company	7	\$8,400	Active/Nonprofit
2. Bas Fisher Invitational	5	\$4,000	Active/Nonprofit
3. Coral Gables Congregational Church (United Church of Christ), Inc.	6	\$6,000	Active/Nonprofit
4. Delou Africa, Inc.	3	\$5,000	Active/Nonprofit
5. Florida Opera Prima, Inc.	5	\$6,750	Active/Nonprofit
6. GableStage, Inc.	6	\$10,500	Active/Nonprofit
7. IFE-ILE, Inc.	5	\$3,500	Active/Nonprofit
8. Inffinito Art & Cultural Foundation, Inc.	5, 11	\$10,500	Active/Nonprofit
9. Karen Peterson and Dancers, Inc.	3, 5, 8	\$6,750	Active/Nonprofit
10. Miami Hispanic Ballet Corp.	2, 5	\$16,000	Active/Nonprofit
11. Miami Music Institute, Inc.	3, 5, 7	\$12,000	Active/Nonprofit
12. Moulin Blue Professional Entertainment, Inc.	5	\$3,500	Active/Nonprofit
13. Siempre Flamenco, Inc.	3	\$5,000	Active/Nonprofit
14. The Opera Atelier, Inc.	5, 6, 7	\$2,500	Active/Nonprofit
<b>Total Grant Amount: \$100,400</b>			

The organizations/projects receiving funding are located in Districts 2, 3, 5, 6, 7, 8, and 11. TDC provides funding to a diverse range of organizations and projects aimed to promote tourism in Miami. The projects listed above showcase a representative assortment of activities in varying locations across Miami-Dade County.

Organizations/events must promote Miami-Dade County's appeal as a tourist destination by sponsoring tourist-orientated events including sports, cultural, visual and performing arts, and television origination projects to be eligible for the TDC Grants Program. Other eligibility criteria includes being evaluated by TDC based on the following: 1) tourism

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impact/marketing plan; 2) quality and track record of the organization and its event; 3) event coordination and management; 4) fiscal feasibility and accountability; and 5) efforts to comply and incorporate the America with Disabilities Act (ADA) in their projects.

Grant funds are released on a reimbursement basis to ensure that County funds are being used appropriately and strictly for the activities proposed in the memorandum and grant agreements. The grant recommendations are being submitted to the Board for expedited approval because of their thorough evaluation with TDC and would save one to two months of time in providing funding support.

**ADDITIONAL INFORMATION**

The Tourist Development Council (TDC) Grants Program reviews grant requests on quarterly basis to organizations/events that promote Miami-Dade County's appeal as a tourist destination by sponsoring tourist-orientated events including sports, cultural, visual and performing arts, and television origination projects. The TDC advisory board is comprised of nine volunteer members who meet to review and make funding recommendations to the Miami-Dade County Mayor and Board of County Commissioners.

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



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**Item No. 8D1  
File No. 181053**

**Researcher: MF Reviewer: TD**

RESOLUTION APPROVING AND RATIFYING MEMORANDUM OF UNDERSTANDING REGARDING FINANCE DEPARTMENT'S CREDIT AND COLLECTION SECTION'S GAINSHARING COLLECTION PROGRAM

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a Memorandum of Understanding which memorializes an agreement between Miami-Dade County and representatives of the employees of the Finance Department's Credit and Collections Section participating in the Productivity and Revenue Generation Program.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes, Section 559, governs the regulation of trade, commerce and investments, generally.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0500-0599/0559/Sections/0559.55.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0500-0599/0559/Sections/0559.55.html)

Resolution No. R-977-04, adopted by the Board on July 27, 2004, approved a Memorandum of Understanding for the Gainsharing Program.

<http://intra/gia/legistarfiles/Matters/Y2004/041638.pdf>

Resolution No. R-734-13, adopted by the Board on September 17, 2013, approved the replacement Memorandum of Understanding for the Gainsharing Program.

<http://intra/gia/legistarfiles/MinMatters/Y2013/131539min.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Finance Department**

The proposed resolution was deferred to no date certain at the May 8, 2018 Government Operations Committee meeting.

The proposed resolution was considered at the July 16, 2018 Government Operations Committee meeting; and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed resolution seeks the Board's approval of a Memorandum of Understanding (MOU) which memorializes an agreement between Miami-Dade County and representatives of the employees of the Finance Department's Credit and Collections Section participating in the Productivity and Revenue Generation Program. This MOU between the County, the Government Supervisors Association of Florida Local 100 and AFSCME Local 199 replaces the current agreement that expires on September 30, 2018.

In 2004, the County's Finance Department's Credit and Collection Section instituted a gainsharing collection program where participating employees receive financial incentives for achieving certain collection goals. As reported on the Mayoral memo, \$143 million have been collected since the inception of the original MOU in 2004.

Gainsharing is defined as a system of rewarding groups of employees who work together to improve performance through use of labor, capital, materials and energy. In return for meeting established target performance levels, the employees receive shares of the resulting savings from performance gains, usually in the form of a cash bonus. This program provides additional incentives to employees to recover debts and increase the amount of revenue retained by the County.

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According to the Fiscal Impact Statement, the agreement is designed to have a positive fiscal impact for the County as it incentivizes employees to exceed revenue collection goals on behalf of various departments throughout the County. The gainsharing payouts will be funded solely from the revenues retained by the Credit and Collection Section generated from their collection activities.

The tables below provide the results of the gainsharing program from FY 2009-10 through 2016-17.

<b>Credit and Collection Performance Under MOU</b>				
	<b>FY 2009-10</b>	<b>FY 2010-11</b>	<b>FY 2011-12</b>	<b>Since Inception</b>
<b>Total Collections by Unit</b>	\$10.9 million	\$4.6 million	\$6.0 million	\$87.4 million
<b>Gross MOU Collections</b>	2.7 million	3.5 million	4.4 million	31.5 million
<b>Revenues Retained by Finance</b>	1.7 million	1.8 million	2.1 million	22.7 million
<b>Total Gainshare Awarded for Unit</b>	<b>\$34,940</b>	<b>\$46,450</b>	<b>\$47,400</b>	<b>\$417,805</b>

<b>Credit and Collection Performance Under MOU</b>				
	<b>FY 2014-15</b>	<b>FY 2015-16</b>	<b>FY 2016-17</b>	<b>Since Inception</b>
<b>Total Collections by Unit</b>	\$11.4 million	\$12.1 million	\$13.1 million	\$142.6 million
<b>Gross MOU Collections</b>	9.0 million	8.8 million	10.2 million	74.63 million
<b>Revenues Retained by Finance</b>	3.7 million	3.7 million	4 million	40 million
<b>Total Gainshare Awarded for Unit</b>	<b>\$97,742</b>	<b>\$52,220</b>	<b>\$67,930</b>	<b>\$782,377</b>

The primary responsibility of the Credit and Collections Section is to perform collection work on debts owed to the various departments throughout the County, while adhering to state and federal laws regarding the collection of debt. Debt collection services are currently provided for the following County departments:

- Animal Services
- Aviation
- Corrections and Rehabilitation
- Fire Rescue
- Human Resources
- Jackson Memorial Hospital
- Parks, Recreation, and Open Spaces
- Police
- Public Housing and Community Development
- Regulatory and Economic Resources
- Solid Waste Management
- Transportation and Public Works
- Water and Sewer Seaport

The proposed MOU would be effective for a three-year period, commencing October 1, 2018, and may be extended, by mutual consent, for up to seven, one-year periods.

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**ADDITIONAL INFORMATION**

The Employee and Labor Relations Division plans, directs, develops and coordinates negotiation and administration of all County collective bargaining agreements in accordance with Florida statutes. The AFSCME and GSAF both have a Collective Bargaining Agreement with the County.

<http://www.miamidade.gov/humanresources/library/labor-relations-gsaf-supervisory.pdf>.

The Federal Trade Commission (FTC), the nation's consumer protection agency, enforces the Fair Debt Collection Practices Act (FDCPA), which prohibits debt collectors from using abusive, unfair, or deceptive practices to collect from you.

<https://www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/fair-debt-collection-practices-act-text>

Below is a list of jurisdictions and agencies that participate in a gainsharing collection program with their employees:

- City of Charlotte, NC
- City of College Station, TX
- Maricopa County, AZ
- Virginia Beach Public City Schools

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**Item No. 8D2  
File No. 181588**

**Researcher: LE Reviewer: TD**

RESOLUTION APPROVING EXTENSION OF 2018 REAL AND PERSONAL PROPERTY TAX ROLLS AND ISSUANCE OF TAX BILLS PRIOR TO COMPLETION OF THE VALUE ADJUSTMENT BOARD HEARINGS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve extending the 2017 real and personal property tax rolls and issuance of tax bills prior to completion of the Value Adjustment Board (VAB) hearings.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes Section 197.323 provides that the Board may, upon request by the tax collector and by majority vote, authorize tax roll extension prior to the completion of value adjustment board (VAB) hearings, if completion thereof would otherwise be the only cause for delay in the issuance of tax notices beyond November 1.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=section+197.323&URL=0100-0199/0197/Sections/0197.323.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=section+197.323&URL=0100-0199/0197/Sections/0197.323.html)

Resolution R-833-17, adopted on October 3, 2017, approves the extension of the 2017 real and personal property tax rolls and issuance of tax bills prior to completion of the VAB hearings.

<http://intra/gia/matter.asp?matter=171576&file=true&yearFolder=Y2017>

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Finance Department**

The proposed resolution was considered at the Government Operations Committee on July 16, 2018 and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The Tax Collector's Office is part of the County's Finance Department. The office collects current and delinquent real and personal property taxes, special assessments for all local taxing authorities, local business tax receipts and convention and tourist taxes. Florida law requires the Board, upon request by the Tax Collector, to approve extending the roll prior to completion of VAB hearings, if completion thereof would otherwise be the only cause for a delay in the issuance of tax notices after November 1<sup>st</sup> of the given year. A tax certificate or warrant shall not be issued with respect to delinquent taxes on real or personal property for the current year if a petition currently filed with respect to such property has not received final action by VAB. For any parcel for which tax liability is subsequently altered as a result of the hearings, the Tax Collector shall resolve the matter following the statutory procedures used for correction of errors.

Approval of the extension has no fiscal impact to the County. If the resolution fails to pass, there could be delays in the distribution of property taxes to various taxing authorities and affect the discount period for payment of taxes by property owners.

The Property Appraiser will not have completed final certification to the Tax Collector of the 2018 Real and Tangible Personal Property Tax Rolls until after the VAB concludes all of its hearings. In order to continue the orderly funding of all taxing authorities, tax bills must be mailed on or before November 1<sup>st</sup>. Approval of this item authorizes the extension of the roll prior to VAB's completion of its hearings to ensure that 2018 tax bills are mailed on or before November 1, 2018. VAB hearings start in September 2018 and are expected to continue into the next year because of limited attorneys during the

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hearings. Florida Statutes Section 197.323 allows the Board of County Commissioners to extend the tax roll prior to the completion of VAB hearings, if the reason for delay is only because of VAB hearings.

All taxes shall be due and payable on November 1<sup>st</sup> of each year or as soon thereafter as the certified tax roll is received by the Tax Collector. Taxes shall become delinquent on April 1 following the year in which they are assessed or immediately after 60 days have expired from the mailing of the original tax notice, whichever is later. For all taxes assessed on the County tax rolls and collected by the County Tax Collector, discounts for payments made before delinquency shall be at the rate of four percent in the month of November or at any time within 30 days after the sending of the original tax notice; three percent in the following month of December; 2 percent in the following month of January; 1 percent in the following month of December; 2 percent in the following month of March or within 30 days before the date of delinquency if the date of delinquency is after April 1. If a taxpayer makes a request to have the original tax notice corrected, the discount rate for early payment applicable at the time of the request applies for 30 days after the sending of the corrected tax notice.

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**Item No. 8D3  
File No. 181668**

**Researcher: PGE Reviewer: TD**

RESOLUTION APPROVING SELECTION OF J.P. MORGAN CHASE, N.A. TO PROVIDE CAPITAL IN AN AMOUNT NOT TO EXCEED \$155,000,000.00 FOR LEASE/PURCHASE OF VEHICLES AND/OR EQUIPMENT TO BE UTILIZED BY THE TRANSIT DEPARTMENT AND TO PAY FINANCING COSTS; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES; APPROVING TERMS OF RELATED COMMITMENT LETTER; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06, AS AMENDED AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO CONSUMMATE THE LEASE/PURCHASE INCLUDING ENTERING INTO RELATED AGREEMENTS AND DOCUMENTS WITH TERMS CONSISTENT WITH THOSE SET FORTH IN THE COMMITMENT LETTER

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize: (1) the selection of J.P. Morgan Chase, N.A. (JP Morgan) to provide capital in an amount of up to \$155,000,000 over a one-year period for the lease/purchase and related financing costs of Compressed Natural Gas (CNG) buses for the Transportation and Public Works Department; (2) reimbursement of operating funds used to purchase CNG buses per the 2017-18 adopted budget; (3) approval of JP Morgan commitment letter; (4) waiver of Resolution No. R-130-06, which requires that any contracts of the County with third parties be executed and finalized prior to their placement on an agenda for Board consideration; and (5) use of Charter County Transportation Surtax funds to make lease payments and financing costs.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes Section 517.061(7) states that the offer or sale of securities to a bank, trust company, savings institution, insurance company, dealer, investment company as defined by the Investment Company Act of 1940, pension or profit-sharing trust, or qualified institutional buyer as defined by rule of the commission in accordance with Securities and Exchange Commission Rule 144A (17 C.F.R. s. 230.144(A)(a)), whether any of such entities is acting in its individual or fiduciary capacity, provided that such offer or sale of securities is not for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of this chapter.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0500-0599/0517/Sections/0517.061.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0500-0599/0517/Sections/0517.061.html)

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

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

Section 29-124(f) of the County Code sets forth the role of the Citizens' Independent Transportation Trust and provides that no surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust

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recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

Resolution No. R-130-06, adopted by the Board on January 24, 2006, clarifies that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-County parties.

<http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006>

Resolution No. R-35-17, adopted by the Board on January 24, 2017, approved award of a Master Developer Agreement for a CNG Program to Trillium Transportation Fuels, LLC in a total amount of up to \$428,773,000 for an initial 10-year term with an option to renew of 10 years.

<http://intra/gia/matter.asp?matter=162416&file=true&yearFolder=Y2016>

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

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

### **PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

**Department/Requester:** Finance Department

This item was considered at the July 18, 2018 Transportation and Public Works Committee and forwarded to the Board with a favorable recommendation. The following discussion transpired at the committee meeting.

- Commission Sosa asked DTPW: (1) where will the buses be deployed; (2) are the new buses replacing older buses; and (3) whether the buses to be purchased are articulated. The Director of DTPW responded, stating that the first 300 CNG buses are being implemented out of the Coral Way and Central maintenance facilities; that DTPW has already received 50 buses and has been paying the vendor; that old buses are being removed from service; and that the 300 buses will be conventional 40-foot buses, not articulated.
- Commissioner Moss asked the Administration whether the County has explored using double-decker buses. The DTPW Director responded that she's not sure whether that has been evaluated but assumes there could be an ADA accessibility issue relating to the second level and vertical clearance; the Director further stated that such buses, however, would provide the County a cost efficiency as a single operator is moving a greater number of people.

### **ANALYSIS**

This item is requesting approval of the selection of JP Morgan to provide capital in an amount not to exceed \$155,000,000 for the lease/purchase of CNG fleet, including the reimbursement of operating funds used to purchase CNG buses, for the Transportation and Public Works Department. The County will use Charter County Transportation Surtax funds to make lease payments and to pay for financing costs. Waiver of Resolution No. R-130-06, which requires that any contracts of the County with third parties be executed and finalized prior to their placement on an agenda for Board consideration, is being requested as JP Morgan has not signed the associated contract and financing documents. The vehicles and/or equipment to be leased/purchased are those that were approved by the Board pursuant to Resolution No. R-35-17, awarding a Master

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Developer Agreement for the CNG Program to Trillium Transportation Fuels, LLC; that program includes the purchase of 300 CNG buses and the conversion of existing facilities to accommodate CNG buses.

It is important to note that the amount to be financed to fund the CNG buses and related components is limited to a one-year period at an interest rate of 3.20 percent for a 12-year term and 3.26 percent for a 15-year term. The legal title to the buses will vest with the County during the term of the Agreement. The interest rate and payment are based on current market rates as indicated by the 7 Year Interest Rate Swap, which was 2.94 percent as of June 22, 2018. For every change in the Index Rate, an adjustment will be made to the interest rate and payment in order to maintain JP Morgan's economics.

Lease payments will occur on January 1 and July 1 each year of the financing term, with the first payment beginning on January 1, 2019. The rental payments are to be made only from the County's transit system sales surtax revenues appropriated on an annual basis.

On July 11, 2018, PFM Financial Advisors, LLC (PFM), the County's financial advisor, requested proposals from financing firms for proposals for a tax-exempt annual appropriation master bus lease purchase financing for the County's transit system. The RFP indicated that DTPW anticipates issuing up to \$155 million in total under the Master Bus Lease with an initial draw to purchase buses for the County's transit system, with additional tranches issued for a period of one year after the closing date. DTPW will use the proceeds from the Master Bus Lease to finance buses for the County's transit system. The request for the master bus lease was circulated to over 50 firms, composed primarily of financial institutions and vehicle lease providers.

On June 22, 2018, three proposals were received in response to the solicitation. The responding firms were:

- Banc of America Public Capital Corp
- JP Morgan
- PNC Equipment Finance

Proposers all provided for an upfront escrow structure where the lending institution would fund and control the escrow at the outset and distribute funding upon requisition from the County and delivery of the equipment. JP Morgan provided the lowest rates on the master bus lease for the 12- and 15-year terms. PFM recommended that the County engage JP Morgan for the master bus lease program. Note that the recommended awardee's proposal assumes that Lessee will issue more than \$10 million in tax-exempt obligations this calendar year and that the Lessee will not designate the lease as a qualified tax-exempt obligation.

Under the agreement, the escrow agent is Deutsche Bank Trust Company Americas. Moreover, JP Morgan will assign the transaction to its affiliate, DNT Asset Trust, and lessor will remain as the servicing agent. An August 17, 2018 search of registered County vendors on BTS did not yield DNT Asset Trust as a registered vendor.



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**Item No. 8F1**  
**File No. 181555**

**Researcher: MF Reviewer: TD**

RESOLUTION APPROVING AWARD OF A LEASE AGREEMENT WITH BREAD PARTNERS HOLDING, INC., D/B/A AU BON PAIN, WITH A POSITIVE FISCAL IMPACT TO THE COUNTY OF AT LEAST \$558,000.00 FOR THE INITIAL TERM OF FIVE YEARS AND SIX MONTHS, PLUS THE TWO, FIVE-YEAR RENEWAL TERMS FOR THE OPERATION AND MAINTENANCE OF A RESTAURANT AT THE OVERTOWN TRANSIT VILLAGE TOWERS; AND AUTHORIZING THE COUNTY MAYOR OR DESIGNEE TO EXECUTE SAME AND EXERCISE ALL RIGHTS CONTAINED IN THE LEASE AGREEMENT, INCLUDING RENEWAL AND EXTENSION OPTIONS; DIRECTING THE COUNTY MAYOR OR DESIGNEE TO PROVIDE TO THE PROPERTY APPRAISER'S OFFICE, WITHIN 30 DAYS OF ITS EXECUTION, A COPY OF THE LEASE AGREEMENT

**ISSUE/REQUESTED ACTION**

Whether the Board should award a lease agreement with Bread Partners Holding, Inc., d/b/a Au Bon Pain, with a positive fiscal impact to the County of at least \$558,000.00 for the initial term of five years and six months, plus the two, five-year renewal terms for the operation and maintenance of a restaurant at the Overtown Transit Village Towers.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes, Section 125.35, provides that “[t]he Board of County Commissioners is expressly authorized to sell and convey any real or personal property, and to lease real property, belonging to the County, whenever the Board determines that it is to the best interest of the County to do so, to the highest and best bidder for the particular use the Board deems to be the highest and best, for such length of term and such conditions as the governing body may in its discretion determine.”

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

Miami-Dade County Code, Section 2-8.1, requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

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

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

Implementing Order No. 3-38 governs the County's processes 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. It 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 R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

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

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

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

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**PROCEDURAL HISTORY**

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

**Department/Requester: Internal Services**

The proposed resolution was considered at the July 16, 2018 Government Operations Committee meeting; and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed resolution requests the Board to award a lease agreement with Bread Partners Holding, Inc., d/b/a Au Bon Pain, with a positive fiscal impact to the County of at least \$558,000.00 for the initial term of five years and six months, plus the two, five-year renewal terms for the operation and maintenance of a restaurant at the Overtown Transit Village Towers.

According to the Fiscal Impact Statement, the estimated revenue generated for the County will be \$198,000 for the initial five-year-and-six-month term. If the County chooses to exercise the two, five-year option to renew terms, the total estimated revenue to the County would be \$558,000. The previous lease of this space generated \$205,263 in rental revenue during the 10-year terms.

On June 23, 2008, an operating agreement was executed with Foodline Services, Inc., to develop and operate a restaurant in the Overtown Transit Village (OTV) for the use of County employees and OTV visitors. Both of the two, two-year options to renew were approved by the Board on November 8, 2012 through Resolution No. R-897-12, as well as four Supplemental Agreements. The vendor, Foodline Services, Inc., stated that they are not interested in participating in the replacement solicitation, as they believe that the competition created by development in the surrounding area (a Publix grocery store will be moving into a building across the street, and the new All Aboard Florida train depot is being constructed directly east of the location) may dramatically affect revenues.

Market Research was conducted by the Internal Services Department to measure the interest of local area restaurants, restaurant chains and coffee/juice bars that can operate within the design restrictions of the leased space for potential proposers. This research determined that 65 percent of employees and visitors to OTV do eat at the restaurant. Average monthly revenues are reported to be \$50,000. The County has several operating restaurants at various similar locations in the downtown/Civic Center vicinity. A similar pricing model to those used in the other leased spaces is proposed to be used, with a Minimum Annual Guarantee (MAG) or Base Rent plus a percentage of Total Monthly Gross Receipts.

The County issued a competitive Request for Qualifications on March 30, 2017 to obtain proposals from qualified vendors to provide food and beverage services in the OTV Tower II restaurant site. Four responses were received from the following companies:

- Bread Partners Holding Inc. d/b/a Au Bon Pain
- CSS of South Florida Inc. D/b/a Concession Service Systems
- JMR Foods II. Inc. d/b/a Bottega Café
- Gourmet Chef on Tour, Corp. d/b/a Rose's Café & Catering

An award is being recommended to the highest ranked proposer. The Selection Committee determined that the recommended proposer, Bread Partners Holding Inc. d/b/a Au Bon Pain, has the qualifications to provide the scope of services set forth in the solicitation. The committee's determination is based on their extensive experience operating similar restaurants in multiple settings, including restaurants in government buildings. The recommended vendor will operate the restaurant and

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pay to the County \$3,000 or seven percent of gross sales, whichever is greater, plus sales tax per month. The selectee has no negative performance history with the County.

A review of the County's SBE list of certified vendors conducted on August 30, 2018, under the commodity code 96115 – Concessions, Catering, Vending, resulted in six SBE vendors:

- Apex Vending, Inc.
- MH Management, Inc.
- Miami-Kite Boarding, Inc.
- Nutrispa, Inc.
- Pastal Enterprises, Inc., d/b/a Sasha & Lisa's Popcorn
- Randazzo Catering, Inc., d/b/a Creative Tastes Catering

A review of the County's SBE list of certified vendors conducted on August 30, 2018, under the commodity code 96219 – Cafeteria and Restaurant Services, resulted in four SBE vendors:

- Azucar Ice Cream, LLC
- BR Foods International, LLC d/b/a Bahama Bucks of Miami
- Nyemas Café and Lounge, Inc.
- P&V International Enterprise, LLC

**ADDITIONAL INFORMATION**

Founded in 1978, Au Bon Pain was at first a small urban café committed to selling the freshest baguettes and croissants in downtown Boston. Today, the company has transformed into a chain of bakery cafés.

[https://www.facebook.com/pg/aubonpain/about/?ref=page\\_internal](https://www.facebook.com/pg/aubonpain/about/?ref=page_internal)

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Bread Partners Holding Inc., has an active status as a Florida Profit Corporation and first filed and registered on 12/28/2005. The principal address is registered as 1001 Brickell Bay Drive, Miami, FL 33131. Its registered agent is Michael Aronson, 1001 Brickell Bay Drive, Miami, FL 33131.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

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**Item No. 8F2  
File No. 181609**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A SPECIAL WARRANTY DEED FROM CENTURY GARDENS AT TAMIAMI COMMUNITY DEVELOPMENT DISTRICT (CDD), A LOCAL UNIT OF SPECIAL-PURPOSE GOVERNMENT ESTABLISHED PURSUANT TO CHAPTER 190, FLORIDA STATUTES AND ORDINANCE NO. 14-72 AMENDED TO ORDINANCE NO. 08-64 CONVEYING APPROXIMATELY 33,305 SQUARE FEET OF LAND AND PARK IMPROVEMENTS, LOCATED AT THE SW CORNER OF SW 112 STREET AND HAMMOCKS BOULEVARD; APPROVING EXECUTION OF A MAINTENANCE AGREEMENT FOR THE AFOREMENTIONED PARCEL WITH THE CDD AND AUTHORIZING THE COUNTY MAYOR TO EXECUTE SAME AND EXERCISE ALL RIGHTS CONFERRED HEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the acceptance of a Special Warranty Deed from Century Gardens at Tamiami Community Development District (CDD), a local unit of special purpose government, conveying approximately 33,305 square feet of land and park improvements located in District 11, and approving execution of a Maintenance Agreement for the subject property with the CDD.

**APPLICABLE LEGISLATION/POLICY**

Chapter 190, Florida Statutes governs Community Development Districts

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0190/0190ContentsIndex.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0190/0190ContentsIndex.html)

Ordinance No. 14-72, adopted by the Board on July 15, 2014, amends Ordinance No. 08-64 relating to Amerifirst Park first addition multipurpose maintenance special taxing district expanding the district's boundary to include contiguous property to the west

<http://intra/gia/matter.asp?matter=141190&file=true&yearFolder=Y2014>

Ordinance No. 08-64, adopted by the Board on June 3, 2008, creates and establishes a special taxing district in Miami-Dade County, Florida, known and described as Amerifirst park first addition multipurpose maintenance special taxing district

<http://intra/gia/matter.asp?matter=081017&file=true&yearFolder=Y2008>

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Joe A. Martinez, District 11**

**Department/Requester: Internal Services Department**

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Parks and Cultural Affairs Committee at its July 17, 2018 committee meeting.

**ANALYSIS**

The proposed resolution authorizes the acceptance of a Special Warranty Deed from Century Gardens at Tamiami Community Development District (CDD), a local unit of special purpose government, conveying approximately 33,305 square feet of land and park improvements located in the Unincorporated Municipal Service Area in District 11 at the Southwest Corner of SW 112 Street and Hammocks Boulevard, and approving execution of a Maintenance Agreement for the subject property with the CDD.

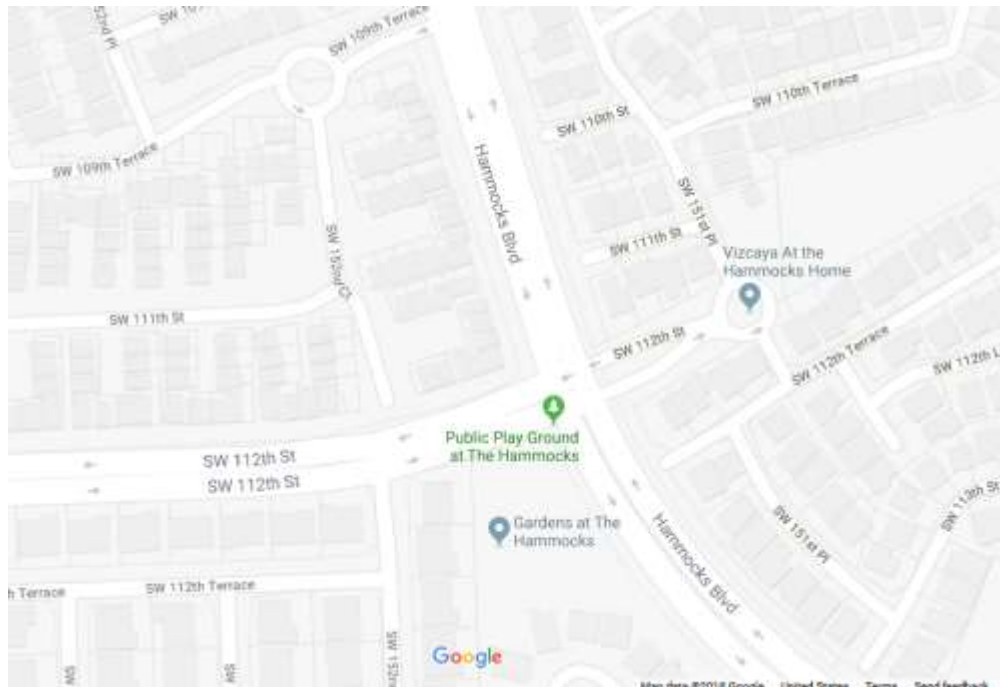
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With no outstanding assessments or taxes for the property, there will be no fiscal impact to the County. Additionally, the County will receive the land as a donation at no cost and the maintenance of the park will be funded and managed by the CDD.

The subject property was conveyed to the CDD on June 29, 2015 and is now being donated to the County via Special Warranty Deed for the purposes of a public park. The park, developed according to plans approved by Parks, Recreation, and Open Spaces, includes a playground, walking path, lighting, site furniture and landscaping. Situated in a densely populated residential area, the park will serve the residents of The Hammocks and the surrounding area.

Landscaping and lawn maintenance, funded and managed by the CDD, will include turf maintenance, trimming, edging, pruning shrubs and ground cover plants, tree care, weed control, irrigation, and litter control.

The subject property is highlighted below, delineated as *Public Playground at the Hammocks*.



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**Item No. 8F3**  
**File No. 181452**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING THE ACCEPTANCE OF A WARRANTY DEED FROM WAL-MART STORES EAST, LP, CONVEYING TO THE COUNTY AN 811 SQUARE FOOT PARCEL OF LAND, LOCATED AT 21151 SOUTH DIXIE HIGHWAY, UNINCORPORATED MIAMI-DADE COUNTY, ALONG WITH THE IMPROVEMENTS REQUIRED TO CONNECT TO THE BLACK CREEK TRAIL SEGMENT A GREENWAY; DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH THE ACCEPTANCE OF THE PROPERTY; DIRECTING THE CLERK OF THE BOARD TO PERMANENTLY STORE A COPY OF THIS RESOLUTION AND THE RECORDED INSTRUMENT OF CONVEYANCE

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the acceptance of a Warranty Deed from Wal-Mart Stores East, LP, conveying to the County an 811 square foot parcel of land located in District 9 at 21151 South Dixie Highway, unincorporated Miami-Dade County, along with the improvements required to connect to the Black Creek Trail Segment A Greenway.

**APPLICABLE LEGISLATION/POLICY**

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

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

Resolution No. R-614-13, adopted by the Board on July 6, 2013, approves the plat of Walmart Goulds.

<http://intra/gia/matter.asp?matter=131091&file=true&yearFolder=Y2013>

**PROCEDURAL HISTORY**

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

**Department/Requester: Internal Services Department**

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Parks and Cultural Affairs Committee at its July 17, 2018 committee meeting.

**ANALYSIS**

The proposed resolution authorizes the acceptance of a Warranty Deed from Wal-Mart Stores East, LP, conveying to the County an 811 square foot parcel of land located in District 9 at 21151 South Dixie Highway, unincorporated Miami-Dade County, along with the improvements required to connect to the Black Creek Trail Segment A Greenway. The land is being conveyed to the County at no cost, as there are no outstanding assessments or taxes for the property. The cost to maintain the property is estimated at \$56 per year, for which the funding source is the County's General Fund, so budgeted by the Parks, Recreation, and Open Spaces Department.

When the Board approved zoning for the construction of Wal-Mart Store #5912-00 located at 21151 South Dixie Highway, Miami, Florida in October 2011, the Regulatory and Economic Resources Department, Zoning Evaluation Unit, recommended that the owner of the property, Wal-Mart Stores East, LP, convey an 811 square foot parcel with improvements. The intended purpose of the parcel was to serve as a greenway, as memorialized in Resolution No. R-614-13 wherein the Board approved the Wal-Mart Goulds plat. The parcel serves as a critical connection to the 8.46 mile Black Creek Trail Segment A greenway, providing the only exclusive non-motorized dedicated trail crossing that links the greenway trail on the south side of the canal to the greenway trail on the north side of the canal.

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**Research Notes**

The subject property is highlighted below.



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**Item No. 8F4  
File No. 181607**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, OF A LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND HUMAN SERVICES OF FLORIDA CITY INCORPORATED, INCLUDING AN ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENT BY THE STATE OF FLORIDA DEPARTMENT OF HEALTH, MIAMI-DADE COUNTY HEALTH DEPARTMENT (HEALTH DEPARTMENT) AT NO COST TO THE COUNTY, FOR THE PREMISES LOCATED AT 753 WEST PALM DRIVE, FLORIDA CITY, FOR USE AS GENERAL OFFICE SPACE, WITH TOTAL REVENUE TO THE COUNTY ESTIMATED TO BE APPROXIMATELY \$36,139.65 FOR LEASE MANAGEMENT FEES FOR THE INITIAL FIVE-YEAR TERM, WITH ONE FIVE-YEAR OPTION TO RENEW; AND AUTHORIZING THE COUNTY MAYOR, OR THE COUNTY MAYOR'S DESIGNEE, TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE SAME INCLUDING ASSIGNMENT OF THE LEASE AGREEMENT TO THE HEALTH DEPARTMENT, AND TO PROVIDE AN EXECUTED COPY OF THE LEASE AGREEMENT AND ASSIGNMENT TO THE PROPERTY APPRAISER WITHIN 30 DAYS

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the terms of a lease agreement between the County and Human Services of Florida City Incorporated, including an assignment and assumption of lease agreement by the State of Florida Department of Health, Miami-Dade County Health Department (Health Department) the premises located at 753 West Palm Drive, Florida City, for the lease of approximately 4,148 square feet of space for use as general office space at no cost to the County. The total revenue to the County is estimated to be approximately \$36,139.65 for lease management fees for the initial five-year term, with one five-year option to renew.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-825-09, adopted by the Board on June 30, 2009, authorized the initial Lease Agreement and Assignment and Assumption of Lease for a term of five years, with one, additional two-year option to renew.

<http://intra/gia/matter.asp?matter=091517&file=true&yearFolder=Y2009>

Chapter 154, Florida Statutes governs public health facilities, requiring that the State of Florida enter into a contract with each county in the interest of promoting public health.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0154/0154ContentsIndex.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0154/0154ContentsIndex.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Dennis C. Moss**

**Department/Requester: Internal Services Department**

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Public Safety and Health Committee at its July 17, 2018 committee meeting.

**ANALYSIS**

The proposed resolution approves a lease agreement between the County and Human Services of Florida City Incorporated (landlord), including an assignment and assumption of lease agreement by the Health Department for the premises located at 753 West Palm Drive, Florida City, for the lease of approximately 4,148 square feet of space for use as general office space at no cost to the County.



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Given that the landlord agrees to the assignment and delegation of all rights, duties, and responsibilities from the County to the State of Florida, no County funds will be utilized during the term of the lease. The base rent for the initial year of the lease term is estimated to be \$78,812, increasing in years two through five of the lease term and in the option to renew period by three percent.

The agreement results in a positive fiscal impact to the County, as the County shall receive a four percent lease management fee of \$3,152 for the initial year of the lease term, with the total revenue to the County during the term of the lease being estimated at approximately \$36,140.

The State of Florida has been leasing the space since 2009 for the Miami-Dade County Health Department's administrative use as well as its provision of Women, Infants, and Children (WIC) nutrition services. The State is currently renting on a month-to-month basis since the expiration of the lease on July 31, 2016 and has remained the tenant of the property under the holdover provision while seeking approval for the appropriation of funding for a new lease by the Florida Legislature. The proposed resolution seeks approval of this new lease agreement, under which the Miami-Dade County Health Department will continue to utilize the property as office space, in which it plans to continue to provide WIC nutrition services to the public as well as use for administrative purposes.

All rights, duties, and responsibilities will be assigned and delegated from the County to the State of Florida. In addition to rent, the State of Florida is responsible for paying all charges for electricity for the premises, and security alarm monitoring services. The landlord's responsibilities under the lease include:

- the maintenance of the HVAC system
- the repair and maintenance of the structural portions of the building
- certain utilities, including water, janitorial services, and waste disposal charges.

Under the agreement, the performance by the State of Florida, including its obligation to pay rent under the lease, is contingent upon an annual appropriation by the Florida Legislature. The Governor approved this year's General Appropriations Act (HB 5001) on March 16, 2018.

<https://www.flsenate.gov/Session/Bill/2018/5001/BillText/er/PDF>

**ADDITIONAL INFORMATION**

***Women, Infants, and Children (WIC) Program***

WIC is a federally funded nutrition program for Women, Infants, and Children. WIC provides the following at no cost: healthy foods, nutrition education and counseling, breastfeeding support, and referrals for health care and community services.

<http://www.floridahealth.gov/programs-and-services/wic/>

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 8F5  
File No. 181646**

**Researcher: MF Reviewer: TD**

RESOLUTION APPROVING A THIRD AMENDMENT TO LEASE AGREEMENT WITH THE CITY OF SOUTH MIAMI FOR THE PREMISES LOCATED AT 6121 SW 68 STREET, MIAMI, FLORIDA, WITH AN ESTIMATED FISCAL IMPACT TO THE COUNTY OF \$27,000.00 ANNUALLY, RETROACTIVELY TO 2009, RETROACTIVELY APPROVING THE RENTAL PAYMENTS MADE BETWEEN 2009 AND 2015; APPROVING AN ANNUAL RENT ESCALATION AT THE RATE OF TWO PERCENT PER YEAR, BEGINNING IN 2018; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE THIRD AMENDMENT TO LEASE AGREEMENT, EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, AND TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME; AND DIRECTING COUNTY MAYOR OR MAYOR'S DESIGNEE TO PROVIDE AN EXECUTED COPY OF THE THIRD AMENDMENT TO LEASE AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF ITS EXECUTION

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize execution of the Third Amendment to a Lease Agreement between the City of South Miami and Miami-Dade County for a property located at 6121 SW 68<sup>th</sup> Street, South Miami, to adjust the rent originally entered into in 1983, from \$22,000 annually to \$27,000 annually, effective retroactively for payments made by the County between 2009 and 2015; authorize the County to pay the difference of \$15,000 in rent to the landlord for years 2016 to 2018; and authorize the County to pay an annual escalation at the rate of two percent, beginning retroactively on February 13, 2018.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 2-8.6.5, entitled "Purchase, sale, lease of real property," provides that "Prior to the County's entering into any contract, agreement or lease relating to the purchase, sale or leasing of real property by, to or from the County, all individuals, corporations, partnerships, joint ventures or other legal entities having any interest of any kind in the property to be purchased, sold or leased, shall file with the County a document identifying the extent of its ownership interest in the subject real property".

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

Resolution No. R-305-83, adopted by the Board on March 15, 1983, authorized a Retroactive Lease Agreement between the City of South Miami and Miami-Dade County for the premises to be used by the Community Action Agency for its Community Service Center and its Head Start Program. (See attached resolution).

Resolution No. R-119-84, adopted by the Board on February 7, 1984, approved a Retroactive Amendment to the Lease Agreement between the City of South Miami and Miami-Dade County for the premises to be used by the Community Action Agency for its Community Service Center and its Head Start Program. (See attached resolution).

Resolution No. R-159-04, adopted by the Board on February 3, 2004, approved the Second Amendment to the Lease Agreement between the City of South Miami and the County. (See attached resolution).

**PROCEDURAL HISTORY**

**Prime Sponsor: Xavier L. Suarez, District 7  
Department/Requested: Internal Services**

The proposed resolution was considered at the July 16, 2018 Government Operations Committee meeting.

**BCC Meeting: September 5, 2018**  
**Research Notes**

In response to Commissioner Martinez' question as to the reason the Board was requested to adjust the rent originally entered into in 1983, Ms. Tara Smith, Director, Internal Services Department (ISD), explained that there was a period of time between 2009 and 2015 when the County was paying the landlord at a higher rate than was approved by the Board. She clarified that this was discovered when ISD staff conducted an audit of the County's leases in 2016. She noted the County stopped paying the higher rate in 2016, and began paying the landlord the previously agreed upon amount. Ms. Smith indicated that she approached City of South Miami officials to request that the County continue paying the lower rate; however, the officials did not agree with this request, and staff was now recommending that the higher rate be approved by the Board.

Responding to Commissioner Martinez' question as to how it was possible that the County paid the higher rent for six years, Ms. Smith stated that it was an oversight that was now being corrected. She indicated that ISD now had a number of staff members who were dedicated to randomly conduct audits of the leases; therefore, such an oversight was unlikely to occur again in the future.

The proposed resolution was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

Resolution No. R-305-83, adopted by the Board on March 15, 1983, authorized a Retroactive Lease Agreement between the City of South Miami and Miami-Dade County for a portion of the property located at 6121 SW 68<sup>th</sup> Street, South Miami, on March 1983, to provide for a Head Start program and Community Service Center operated by the Community Action and Human Services Department. The Lease Agreement became effective on February 1, 1983, for one year, with successive one-year renewal option periods.

Resolution No. R-119-84, adopted by the Board on February 7, 1984, approved a Retroactive Amendment to the Lease Agreement between the City of South Miami and Miami-Dade County, to retroactively increase the amount of custodial and utility services to be paid by the County from \$15,662 to \$17,475 annually.

Resolution No. R-159-04, adopted by the Board on February 3, 2004, approved the Second Amendment to the Lease Agreement between the City of South Miami and the County, to increase the annual rent from \$17,475 to \$22,000. It required the County to be responsible for electricity, water and sewer, exterminating, emergency lighting and cleaning supplies, while the landlord was responsible for landscaping as well as janitorial and custodial services. Between 2009 and 2015, at the request of the landlord, the County paid an annual rental amount of \$27,000, instead of the agreed upon rent of \$22,000.

The increase in rent was never approved by the Board and resulted in a five-year total over-payment in the amount of \$25,000. After an internal review of the account in 2016, the County began paying the landlord the previously agreed upon amount of \$22,000 annually.

The County acknowledges that the proposed increase in rent, from \$22,000 to \$27,000, is reasonable because the rental rate of \$6 per square foot is approximately 81 percent less than the average cost per square foot in the South Miami area.

Accordingly, the proposed resolution seeks the Board's authorization to execute the Third Amendment to the Lease Agreement between the City of South Miami and Miami-Dade County for the property, to adjust the rent originally entered into in 1983, from \$22,000 annually to \$27,000 annually, effective retroactively for payments already made by the County between 2009 and 2015. In addition, it seeks the Board's authorization for the County to pay the difference of \$15,000 in rent to the landlord for years 2016 to 2018; and for the County to pay an annual escalation at the rate of two percent, beginning retroactively on February 13, 2018.

According to the Fiscal Impact Statement, the amendment modifies the terms of the Lease Agreement by adjusting the rent to \$27,000 for the period between 2009 and 2017. The County will have to pay the landlord \$15,000 for the prior three years,

**BCC Meeting: September 5, 2018**  
**Research Notes**

in which the County only paid the previously agreed upon amount of \$22,000 to the landlord. Effective February 13, 2018, the rent increased to \$27,540, representing an annual increase of two percent.

**ADDITIONAL INFORMATION**

The Head Start/Early Start Program is a federally funded program that provides comprehensive early childhood education, health, nutrition and parent engagement services to low-income children and their families. The program is open to children ages newborn through age 5.

<https://www.miamidade.gov/socialservices/head-start.asp>

Below is an aerial view of the property located at 6121 SW 68<sup>th</sup> Street, Miami:



RESOLUTION NO. R-305-83

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE LEASE AGREEMENT AT 6121 S.W. 68 STREET, SOUTH MIAMI, WITH THE CITY OF SOUTH MIAMI, FOR PREMISES TO BE USED BY THE COMMUNITY ACTION AGENCY FOR ITS COMMUNITY SERVICE CENTER AND HEADSTART PROGRAM, AND AUTHORIZING COUNTY MANAGER TO EXERCISE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board approves the Retroactive Lease Agreement between Dade County and the City of South Miami for premises to be used by the Community Action Agency for its Community Service Center and its Headstart Program in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute same for and on behalf of Dade County; and to exercise the renewal and cancellation provisions contained therein.

The foregoing Resolution was offered by Commissioner

Clara Oesterle, who moved its adoption. The motion was seconded by Commissioner Barbara M. Carey, and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
Beverly B. Phillips	Aye
James F. Redford, Jr.	Aye
Harvey Ruvin	Absent
Barry D. Schreiber	Aye
Ruth Shack	Aye
Jorge E. Valdes	Absent
Stephen P. Clark	Absent

The Mayor thereupon declared the Resolution duly passed and adopted this 15th day of March, 1983.

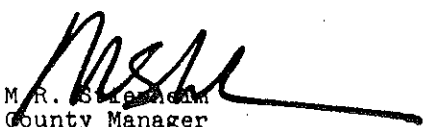
DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

RICHARD P. BRINKER

By: RAYMOND REED  
Deputy Clerk



Approved by County Attorney [Signature]  
form and legal sufficiency.

TO	Honorable Mayor and Members Board of County Commissioners	DATE	March 15, 1983
FROM	 M. R. Stinson County Manager	SUBJECT	Retroactive Lease Agreement with the City of South Miami for the Community Action Agency. Property #4025-00-00

## RECOMMENDATION:

The following Retroactive Lease has been reviewed by General Services Administration and is recommended for approval:

USING AGENCY: Community Action Agency

USE: Community Service Center and Headstart Program.

PROPERTY: A total of 4,555 square feet located at 6125 Southwest 68 Street, South Miami.

OWNER: THE CITY OF SOUTH MIAMI

TERMS: A total aggregate space of 4,555 square feet; 1,750 square feet for the Headstart Program and 2,805 square feet for the Community Service Center, at a total cost of \$15,662, paid at the commencement of this Lease, which is equal to \$3.44 a square foot on an annual basis. This is for reimbursement for custodial and utility costs incurred by the Landlord.

EFFECTIVE DATES: Commenced January 1, 1983 and terminating December 31, 1983.

RENEWAL OPTION: Successive one year renewals through the County Manager with sixty (60) days written notice to the Landlord. Terms to be negotiated at time of renewal.

CANCELLATION PROVISION: Either party, the Tenant through the County Manager, may cancel with thirty (30) days written notice to the other party.

FORMER LEASE: Two separate Leases- The Community Service Center Lease authorized by Resolution R-608-77 adopted June 10, 1977 and amended by Resolution R-294-80 adopted March 4, 1980. The Headstart Program Lease was authorized by Resolution R-1081-82 adopted July 20, 1982.

FUNDING SOURCE: General Funds

COMMENT: This lease is retroactive due to extended negotiations with the City of South Miami.

The County Attorney's Office advises that the wording of Article III with regard to indemnification in the wording normally not used in our leases, and the County can be liable for third party negligence.

LEASE AGREEMENT

THIS LEASE AGREEMENT, made and entered into this 1st day of February, 1983, by and between the CITY OF SOUTH MIAMI, hereinafter referred to as the "LANDLORD", and DADE COUNTY, (on behalf of its Community Action Agency's Head Start Program, and Community Service Center) a political subdivision of the State of Florida, hereinafter referred to as the "TENANT",

W I T N E S S E T H:

That the LANDLORD, for and in consideration of the restrictions and covenants herein contained, hereby leases to the TENANT, and the TENANT hereby agrees to hire from the LANDLORD, the premises described as follows:

Approximately 4,555 square feet of classroom and open space at 6121 Southwest 68th Street, South Miami, Florida.

TO HAVE AND TO HOLD unto the said Tenant for a term of one (1) year, commencing January 1, 1983, and terminating December 31, 1983.

The TENANT shall pay to the LANDLORD the sum of \$15,662.00 net, pursuant to this Agreement, as reimbursement for custodial and utility costs incurred by the LANDLORD. Said payment in the amount of \$15,662.00 shall be due and payable at the commencement of this Agreement. The cost incurred by the LANDLORD for custodial and utility services shall be prorated if the Agreement is cancelled.

IT IS FURTHER MUTUALLY UNDERSTOOD AND AGREED BY THE RESPECTIVE PARTIES HERETO:

ARTICLE I  
USE OF DEMISED PREMISES

The TENANT shall have the exclusive use of the space during the term of this Lease during the hours from 7:30 A.M. until 5:30 P.M. Monday through Friday of each week, exclusive of scheduled school holidays.

The space covered by this Lease Agreement shall be used exclusively for the purpose of conducting the HEAD START PROGRAM, and the COMMUNITY SERVICE CENTER under Community Action Agency by the TENANT, and for no other purpose, and shall not be used for any illegal purpose or in such a manner as to constitute a nuisance.

## ARTICLE II MAINTENANCE

Ordinary custodial services, trash removal and utilities, including air conditioning, if installed in the building, shall be furnished by the LANDLORD.

The LANDLORD will be responsible for all maintenance and repairs, except repairs and maintenance required by the extraordinary wear and tear or malicious destruction of property resulting from the occupancy by the TENANT, and its agents and employees.

The TENANT shall maintain during the term of this Agreement:

- a. Workmen's Compensation, as required by Chapter 440, Florida Statutes.
- b. Comprehensive General Liability Insurance to the extent of limits of liability that tort immunity has been waived by Florida Statutes.
- c. Contractual Liability Insurance covering liability arising out of the terms of this Agreement to the extent and limits of liability that tort immunity has been waived by Florida Statutes.
- d. Automobile Liability Insurance covering all owned, non-owned, and hired vehicles used in connection with work under this Agreement, as required by Florida Statutes, or to the extent and limits of liability that tort immunity has been waived by Florida Statutes.

## ARTICLE III INDEMNIFICATION AND HOLD HARMLESS

The TENANT does hereby agree to indemnify and save the LANDLORD harmless, to the extent of the limitation included within Florida Statutes, Section 768.28, from any and all claims, liability, losses and causes of actions which may arise solely out of the negligence of the TENANT, or the TENANT's activities in the demised premises. However, nothing in this section shall indemnify the LANDLORD for any liability or claim arising out of the performance or failure of performance required of the LANDLORD under this Lease, Agreement or from the LANDLORD's negligence.



ARTICLE IV  
ALTERATIONS BY TENANT

The TENANT may make reasonable non-structural alterations, additions or improvements in or to the premises with the written consent of the LANDLORD. All additions, fixtures, or improvements (except, but not limited to store and office furniture, and fixtures which are readily removable without injury to the premises) shall be, and remain a part of the premises at the expiration of this Lease. Subject to the above, any carpeting and removable partitions installed by the TENANT within the demised premises shall remain the TENANT's property and may be removed by the TENANT upon the expiration of the Lease Agreement or any renewal or cancellation thereof. If alterations require a building permit, the TENANT must secure a permit from the Department of Community Development of the City of South Miami.

The TENANT may use adjacent ground and restroom facilities.

The TENANT shall comply with all safety regulations and rules of the LANDLORD.

ARTICLE V  
NO LIABILITY FOR PERSONAL PROPERTY

All personal property placed or installed in the space by the TENANT shall be at the sole risk of the TENANT, and the LANDLORD shall not be liable for the loss or destruction thereof or any damage sustained thereto. All such personal property of the TENANT shall remain the property of the TENANT at the expiration of the term of this Lease Agreement.

ARTICLE VI  
LANDLORD'S RIGHT OF ENTRY

The LANDLORD or its agents shall have the right to enter said space during all hours to examine same and may make any additions, alterations or repairs as may be deemed necessary for the safety, comfort, of the TENANT, or for the preservation of the building.

There shall be no discrimination based on race, color or national origin practiced by the TENANT in the use of the demised premises.

ARTICLE VII  
OPTION TO RENEW

Provided this Lease is not otherwise in default, the TENANT, through its County Manager or his designee, is hereby granted the option to extend this Lease for successive one (1) year renewal periods upon the same terms and conditions. Terms to be negotiated at the time of renewal by giving the LANDLORD notice in writing at least sixty (60) days prior to the expiration date of this Lease for any extension thereof.

ARTICLE VIII  
CANCELLATION

The LANDLORD or the TENANT, through its County Manager or his designee, shall have the right to cancel this Lease Agreement at any time by giving the other party at least thirty (30) days written notice prior to its effective date.

ARTICLE IX  
NOTICES

It is understood and agreed between the parties hereto that written notice addressed to TENANT and mailed or delivered to the Director, General Services Administration, 140 West Flagler Street, Miami, Florida 33130, shall constitute sufficient notice to the TENANT, and written notice addressed to LANDLORD, and mailed or delivered to the address of LANDLORD, 6130 Sunset Drive, South Miami, Florida 33143, shall constitute notice to the LANDLORD, to comply with the terms of this Lease. Notices provided herein in this paragraph shall include all notices required in this Lease or required by law.

ARTICLE X  
ADDITIONAL PROVISIONS

The demised premises are to be used by Dade County Community Action Agency's Head Start Program for the provision of space for a Head Start Classroom consisting of 1,750 square feet and Community Service Center, serving the residents in the area, consisting of 2,805 square feet for a total aggregate space of 4,555 square feet.

Dade County will as its contribution to the City of South Miami, pay the amount of \$9,743 due to the increased cost of maintenance and services. This constitutes increased costs for the operation of the Community Service Center for the years of 1981 and 1982.

ARTICLE XI  
WRITTEN AGREEMENT

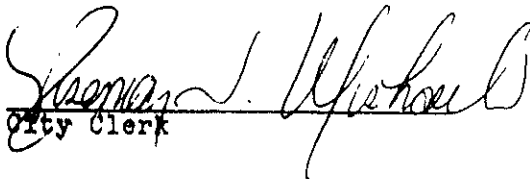
This Lease contains the entire agreement between the parties hereto and all previous negotiations leading thereto, and it may be modified only by resolution approved by the Board of County Commissioners and the City Commissioners of the City of South Miami.

IN WITNESS WHEREOF, the LANDLORD and TENANT have caused this Lease Agreement to be executed by their respective and duly authorized officers the day and year first above written.

ATTEST:

CITY OF SOUTH MIAMI

By:

  
City Clerk

By:

  
William E. Godwin (LANDLORD)  
City Manager

ATTEST:

DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

By:

\_\_\_\_\_  
Deputy Clerk

By:

\_\_\_\_\_  
County Manager (TENANT)

RESOLUTION NO. R-119-84

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE AMENDMENT TO THE LEASE AGREEMENT AT 6121 S.W. 68 STREET, SOUTH MIAMI, WITH THE CITY OF SOUTH MIAMI FOR PREMISES TO BE USED BY THE COMMUNITY ACTION AGENCY FOR ITS COMMUNITY SERVICE CENTER AND HEAD START PROGRAM

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board approves the Retroactive Amendment to the Lease Agreement between Dade County and the City of South Miami for premises to be used by the Community Action Agency for its Community Service Center and its Head Start Program in substantially the form attached hereto and made a part hereof; and authorizes the County Manager to execute same for and on behalf of Dade County.

The foregoing Resolution was offered by Commissioner

Beverly B. Phillips, who moved its adoption. The motion was seconded by Commissioner Barbara M. Carey, and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
Beverly B. Phillips	Aye
James F. Redford, Jr.	Absent
Harvey Ruvin	Absent
Barry D. Schreiber	Absent
Ruth Shack	Aye
Jorge E. Valdes	Aye
Stephen P. Clark	Aye

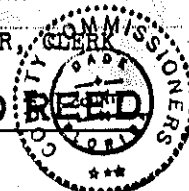
The Mayor thereupon declared the Resolution duly passed and adopted this 7th day of February, 1984.

DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

Approved by County Attorney *Cap...*  
form and legal sufficiency.

By: **RAYMOND REED**  
Deputy Clerk



## MEMORANDUM

Agenda Item No. 5 (e) (7)

TO: Honorable Mayor and Members  
Board of County Commissioners

DATE: February 7, 1984

FROM: M. X. Stierlein  
County Manager

SUBJECT: Retroactive Amendment  
to Lease Agreement with  
City of South Miami for  
Community Service Center  
and Head Start Program  
Property #4025-00-00

The following Retroactive Amendment to Lease has been reviewed by General Services Administration and is recommended for approval:

USING AGENCY: Community Action Agency.

USE: Community Service Center and Head Start Program

PROPERTY: Approximately 4,555 square feet located at 6125 South West 68 Street, South Miami.

OWNER: THE CITY OF SOUTH MIAMI

AMENDMENT: Retroactive Amendment to increase the total cost of custodial and utility services from \$15,662.00 which is equal to \$3.44 a square foot on an annual basis, to \$17,475.00 per year which is equal to \$3.84 a square foot on an annual basis, said payment shall additionally include exterminating services. The said Lease remains in full force and effect during the terms and conditions specified therein.

EFFECTIVE DATES: Commenced January 1, 1984 and terminate: December 31, 1984.

CANCELLATION PROVISION: Either party, the Tenant through the County Manager or his designee, may cancel with thirty (30) days written notice to the other party.

FUNDING SOURCE: General Funds

COMMENTS: This Amendment to Lease is retroactive due to extended negotiations with the City of South Miami. The City of South Miami did not place the Amendment to Lease Agreement before their Council until January 3, 1984.

AMENDMENT TO LEASE

This Agreement made this            day of            , 19    , by and between CITY OF SOUTH MIAMI, hereinafter called the "LANDLORD" and DADE COUNTY, a political subdivision of the State of Florida, hereinafter called the "TENANT"

W I T N E S S E T H:

WHEREAS, by Resolution No. R-305-83, adopted by the Board of County Commissioners on March 15, 1983, the Board authorized a Lease between the above named parties for that certain property located at 6121 S.W. 68 Street, South Miami, Florida, and consisting of approximately 4,555 square feet of air-conditioned space; and

WHEREAS, both LANDLORD and TENANT are desirous of amending said Lease to increase the total cost of custodial and utility services from \$15,662.00 which is equal to \$3.44 a square foot on an annual basis to \$17,475.00 per year which is equal to \$3.84 a square foot on an annual basis, said payment shall additionally include exterminating services. The cost incurred by the LANDLORD for custodial, utility and exterminating services shall be pro-rated if the Agreement is cancelled. The TENANT shall maintain the emergency back-up lighting; and

WHEREAS, by Resolution No.            , adopted            19    , the Board of County Commissioners has authorized the amending of said Lease.

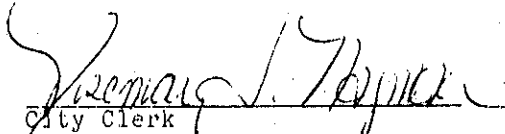
NOW, THEREFORE, in consideration of the restrictions and covenants herein contained, it is agreed that the said Lease is hereby amended as follows:

Effective January 1, 1984, the yearly cost for custodial and utility services will increase from \$15,662.00 which is equal to \$3.44 a square foot on an annual basis to \$17,475.00, which is equal to \$3.84 a square foot on an annual basis, and said payment includes exterminating services. The TENANT shall maintain the emergency back-up lighting. Payment shall be pro-rated if the Agreement is cancelled.

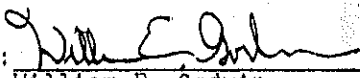
In all other respects the said Lease shall remain in full force and effect in accordance with the terms and conditions specified therein.

IN WITNESS WHEREOF, the LANDLORD and TENANT have caused this Lease Amendment to be executed by their respective and duly authorized officers the day and year first above written.

(OFFICIAL SEAL)

  
City Clerk

CITY OF SOUTH MIAMI

By:   
William E. Godwin,  
City Manager (LANDLORD)

(OFFICIAL SEAL)

ATTEST:  
RICHARD P. BRINKER, CLERK

DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
County Manager (TENANT)

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 7(F)(1)(D)  
2-3-04

**OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA**

**RESOLUTION NO. R-159-04**

RESOLUTION AUTHORIZING THE EXECUTION OF A SECOND AMENDMENT TO LEASE AGREEMENT AT 6121 S.W. 68 STREET, SOUTH MIAMI WITH CITY OF SOUTH MIAMI; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI DADE COUNTY, FLORIDA, that this Board hereby approves the Second Amendment to Lease Agreement between Miami-Dade County and City of South Miami, in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute it for and on behalf of Miami-Dade County; and authorizes the County Manager to exercise any all other rights conferred therein.

The foregoing Resolution was offered by Commissioner **Jose "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

- |  |               |                  |               |
|--|---------------|------------------|---------------|
| Barbara Carey-Shuler, Ed.D., Chairperson | <b>aye</b>    | Jose "Pepe" Diaz | <b>aye</b>    |
| Katy Sorenson, Vice-Chairperson          | <b>absent</b> | Sally A. Heyman  | <b>absent</b> |
| Bruno A. Barreiro                        | <b>aye</b>    | Jimmy L. Morales | <b>aye</b>    |
| Betty T. Ferguson                        | <b>aye</b>    | Dorrin D. Rolle  | <b>aye</b>    |
| Joe A. Martinez                          | <b>aye</b>    | Rebeca Sosa      | <b>aye</b>    |
| Dennis C. Moss                           | <b>aye</b>    |                  |               |
| Natacha Seijas                           | <b>aye</b>    |                  |               |
| Senator Javier D. Souto                  | <b>aye</b>    |                  |               |

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**MEMORANDUM**  
(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** February 3, 2004

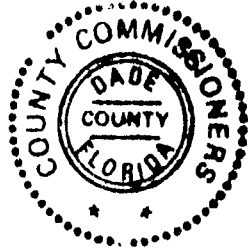
**FROM:** Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 7(F)(1)(D)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of February, 2004. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency. *RL*

Richard B. Rosenthal

By: KAY SULLIVAN  
Deputy Clerk

SECOND AMENDMENT TO LEASE BETWEEN CITY OF SOUTH MIAMI  
AND MIAMI-DADE COUNTY FOR 6121 SW 68<sup>TH</sup> STREET

This agreement made this \_\_\_ day of October, 2003, by and between the City of South Miami, "Landlord" and Miami-Dade County, a political subdivision of the State of Florida, "Tenant."

WITNESSTH

WHEREAS, by Resolution No. R-179-84, adopted by the Board of County Commissioners on February 2, 1984, the board authorized an amendment to the lease executed on March 15, 1985, and authorized pursuant to Resolution No. R-305-83 between the above named parties for that certain property located at 6121 SW 68<sup>th</sup> Street, South Miami, Florida and consisting of approximately 5,460 square feet of air-conditioned space; and

WHEREAS, both landlord and tenant are desirous of amending said lease to increase the rent of \$22,000.00 annually. The tenant shall maintain and purchase the electricity, water and sewer, exterminating, emergency back up lighting and cleaning supplies to be used by the tenant. The landlord will provide the manpower for the janitorial and custodial services necessary to maintain the premises, with the tenant supplying all the necessary cleaning supplies. The landlord will continue to maintain landscaping of the premises; and

NOW THEREFORE, in consideration of the restrictions and covenants herein contained, it is agreed that the lease is amended as follows:

1. Effective October 1, 2003, the yearly rent will increase to \$22,000.00.
2. The tenant shall maintain and purchase the electricity, water and sewer, exterminating, emergency back up lighting and cleaning supplies to be used by the tenant. The landlord will provide the manpower for the janitorial and custodial services necessary to maintain the premises, with the tenant supplying all the necessary cleaning supplies. The landlord will continue to maintain landscaping of the property.

In all other respects the lease entered into on February 2, 1984 and as modified on March 15, 1985 shall remain in full force and effect in accordance with the terms and conditions specified therein.

**MEMORANDUM**

Agenda Item No. 7(F)(1)(D)

**TO:** Honorable Chairperson Barbara Carey-Shuler, Ed.D.  
and Members, Board of County Commissioners

**DATE:** February 3, 2004

**FROM:** George M. B...  
County Manager

**SUBJECT:** Second Amendment to Lease at  
6121 S.W. 68 Street, South Miami  
with City of South Miami  
Property # 6901-00-00

The attached second amendment to lease agreement has been prepared by the General Services Administration at the request of Community Action Agency and is recommended for approval.

**PROPERTY:** 6121 S.W. 68 Street, South Miami.

**OWNER:** City of South Miami.

**PURPOSE OF AMENDMENT:** The current lease allows for annual increases according to the operating expenses in the facility. In September 10, 2003, the County exercised its renewal option at \$22,000.00 per year. This amendment will:

- a) Fix the annual rental rate at \$22,000.00, which is equal to \$4.03 per square foot on an annual basis.
- b) Require the County, as Tenant, to be responsible for electricity, water and sewer, exterminating, emergency lighting and cleaning supplies. The Landlord will provide the manpower for janitorial and custodial services, and will maintain the landscaping at the site.
- c) Although the amendment approved by the City indicates the commencement effective October 1, 2003 for the yearly rent, this amendment will be effective upon the approval by the Board of County Commissioners.

**JUSTIFICATION:** The Community Action Agency utilizes this property for its Community Service Center and its Head Start Program serving the families of the South Miami area. The current rent is \$22,000.00 annually, which includes all operating expenses. The City of South Miami operating costs have increased to \$41,000.00 annually. County staff has been advised that the City cannot continue to absorb Tenant maintenance costs in their operating budget. For this reason, the City has requested that the County assume the recurring annual expense for utilities, exterminating, emergency lighting and cleaning supplies. The City will continue to provide the manpower for the janitorial, custodial services, and maintenance of the grounds and building.

FINANCIAL IMPACT:

Annual rent shall be \$22,000.00, which is equal to \$4.03 per square foot on an annual basis. The Tenant is responsible for all charges for electricity, water and sewer, cleaning supplies, which is estimated at \$12,000.00 annually.

EFFECTIVE DATES  
OF AMENDMENT:

The term of this Second Amendment to Lease Agreement shall commence upon approval by the Board of County Commissioners, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override of this Board, unless the term shall be otherwise extended or renewed by Tenant pursuant to the Lease, as amended, whereby the Second Amendment to Lease Agreement shall be coterminous therewith.

CURRENT LEASE:

The current lease agreement was approved on March 15, 1983 by Resolution R-305-83. The lease commenced on January 1, 1983 for one-year with successive one-year renewal option periods. The lease was amended on February 7, 1984, by Resolution No. R-119-84.

COMMENTS:

Attached for your information is a copy of the previously approved resolutions and memoranda with data concerning the lease, as well as a Resolution from the City of South Miami approving the amendment.

  
Assistant County Manager

RESOLUTION NO. R-119-84

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE AMENDMENT TO THE LEASE AGREEMENT AT 6121 S.W. 68 STREET, SOUTH MIAMI, WITH THE CITY OF SOUTH MIAMI FOR PREMISES TO BE USED BY THE COMMUNITY ACTION AGENCY FOR ITS COMMUNITY SERVICE CENTER AND HEAD START PROGRAM

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board approves the Retroactive Amendment to the Lease Agreement between Dade County and the City of South Miami for premises to be used by the Community Action Agency for its Community Service Center and its Head Start Program in substantially the form attached hereto and made a part hereof; and authorizes the County Manager to execute same for and on behalf of Dade County.

The foregoing Resolution was offered by Commissioner **Beverly Phillips**, who moved its adoption. The motion was seconded by Commissioner **Barbara Carey**, and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
Beverly B. Phillips	Aye
James P. Redford, Jr.	Absent
Harvey Ruvlin	Absent
Barry D. Schreiber	Aye
Ruth Shack	Aye
Jorge E. Valdes	Aye
Stephen P. Clark	Aye

The Mayor thereupon declared the Resolution duly passed and adopted this 7th day of February, 1984.

DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

RAYMOND B. B.

Approved by County Attorney Cap. 2/7/84  
form and legal sufficiency.

By: \_\_\_\_\_  
Deputy Clerk

## MEMORANDUM

103.01-14

Agenda Item No. 5 (e) (7)

TO: Honorable Mayor and Members  
Board of County Commissioners

DATE

February 7, 1984

SUBJECT

Retroactive Amendment  
to Lease Agreement with  
City of South Miami for  
Community Service Center  
and Head Start Program  
Property #4025-00-00FROM: M. A. Stierlein  
County Manager

The following Retroactive Amendment to Lease has been reviewed by General Services Administration and is recommended for approval:

USING AGENCY: Community Action Agency

USE: Community Service Center and Head Start Program

PROPERTY: Approximately 4,555 square feet located at 6125 South West 68 Street, South Miami.

OWNER: THE CITY OF SOUTH MIAMI

AMENDMENT: Retroactive Amendment to increase the total cost of custodial and utility services from \$15,662.00 which is equal to \$3.44 a square foot on an annual basis, to \$17,475.00 per year which is equal to \$3.84 a square foot on an annual basis, said payment shall additionally include exterminating services. The said Lease remains in full force and effect during the terms and conditions specified therein.

EFFECTIVE DATES: Commenced January 1, 1984 and terminates December 31, 1984.

CANCELLATION PROVISION: Either party, the Tenant through the County Manager or his designee, may cancel with thirty (30) days written notice to the other party.

FUNDING SOURCE: General Funds

COMMENTS: This Amendment to Lease is retroactive due to extended negotiations with the City of South Miami. The City of South Miami did not place the Amendment to Lease Agreement before their Council until January 3, 1984.

RESOLUTION NO. R-305-83

RESOLUTION AUTHORIZING EXECUTION OF A RETROACTIVE LEASE AGREEMENT AT 6125 S.W. 68 STREET, SOUTH MIAMI, WITH THE CITY OF SOUTH MIAMI, FOR PREMISES TO BE USED BY THE COMMUNITY ACTION AGENCY FOR ITS COMMUNITY SERVICE CENTER AND HEADSTART PROGRAM, AND AUTHORIZING COUNTY MANAGER TO EXERCISE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that this Board approves the Retroactive Lease Agreement between Dade County and the City of South Miami for premises to be used by the Community Action Agency for its Community Service Center and its Headstart Program in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute same for and on behalf of Dade County; and to exercise the renewal and cancellation provisions contained therein.


The foregoing Resolution was offered by Commissioner Clara Oesterle, who moved its adoption. The motion was seconded by Commissioner Barbara M. Carey, and upon being put to a vote, the vote was as follows:

Barbara M. Carey	Aye
Clara Oesterle	Aye
Beverly B. Phillips	Aye
James F. Redford, Jr.	Aye
Harvey Ruvlin	Absent
Barry D. Schreiber	Aye
Ruth Shack	Aye
Jorge E. Valdes	Absent
Stephen P. Clark	Absent

The Mayor thereupon declared the Resolution duly passed and adopted this 15th day of March, 1983.

DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

RICHARD P. BRINKER, CLERK

Approved by County Attorney   
form and legal sufficiency.

By: RAYMOND REED  
Deputy Clerk

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## MEMORANDUM

Agenda Item No. 5(e) (7)

100.01-14

TO: Honorable Mayor and Members  
Board of County Commissioners

DATE

March 15, 1983

FROM: *M.R. Stigall*  
County Manager

SUBJECT

Retroactive Lease  
Agreement with the  
City of South Miami  
for the Community  
Action Agency.  
Property #4025-00-00

## RECOMMENDATION:

The following Retroactive Lease has been reviewed by General Services Administration and is recommended for approval:

## USING AGENCY:

Community Action Agency

## USE:

Community Service Center and Headstart Program.

## PROPERTY:

A Total of 4,555 square feet located at 6125 Southwest 68 Street, South Miami.

## OWNER:

THE CITY OF SOUTH MIAMI

## TERMS:

A total aggregate space of 4,555 square feet; 1,750 square feet for the Headstart Program and 2,805 square feet for the Community Service Center, at a total cost of \$15,662, paid at the commencement of this Lease, which is equal to \$3.44 a square foot on an annual basis. This is for reimbursement for custodial and utility costs incurred by the Landlord.

## EFFECTIVE DATES:

Commenced January 1, 1983 and terminating December 31, 1983.

## RENEWAL OPTION:

Successive one year renewals through the County Manager with sixty (60) days written notice to the Landlord. Terms to be negotiated at time of renewal.

## CANCELLATION PROVISION:

Either party, the Tenant through the County Manager, may cancel with thirty (30) days written notice to the other party.

## FORMER LEASE:

Two separate Leases- The Community Service Center Lease authorized by Resolution R-608-77 adopted June 10, 1977 and amended by Resolution R-294-80 adopted March 4, 1980. The Headstart Program Lease was authorized by Resolution R-1081-82 adopted July 20, 1982.

## FUNDING SOURCE:

General Funds

## COMMENT:

This lease is retroactive due to extended negotiations with the City of South Miami.

The County Attorney's Office advises that the wording of Article III with regard to indemnification in the wording normally not used in our leases, and the County can be liable for third party negligence.

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IN WITNESS WHEREOF, the landlord and tenant have caused this second lease amendment to be executed by their respective and duly authorized officers the day and year first above written.

(Official Seal)

City of South Miami,  
a Florida municipal corporation

By: \_\_\_\_\_  
City Clerk

By: M. Davis  
Maria V. Davis  
City Manager (Landlord)

(Official Seal)

ATTEST:

Miami-Dade County, Florida by Its  
Board of County Commissioners

Harvey Ruvim, Clerk

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
George M. Burgess  
County Manager (Tenant)

RESOLUTION No.: 169-03-11719

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ENTER INTO SECOND AMENDMENT TO LEASE AGREEMENT WITH MIAMI-DADE COUNTY FOR THE USE OF CITY OF SOUTH MIAMI BUILDING LOCATED AT 6121 SW 68<sup>TH</sup> STREET; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Commission of the City of South Miami, Florida, wishes to lease the City's building to Miami-Dade County Community Action Agency for Head Start program; and

WHEREAS, by Resolution No. R-179-84, adopted by the Board of County Commissioners on February 2, 1984, the board authorized an amendment to the lease executed on March 15, 1985, and authorized pursuant to Resolution No. R-305-83 between the above named parties for that certain property located at 6121 SW 68<sup>th</sup> Street, South Miami, Florida and consisting of approximately 5,460 square feet of air-conditioned space; and

WHEREAS, both landlord and tenant are desirous of amending said lease to increase the rent of \$22,000.00 annually. The tenant shall maintain and purchase the electricity, water and sewer, exterminating, emergency back up lighting and cleaning supplies to be used by the tenant. The landlord will provide the manpower for the janitorial and custodial services necessary to maintain the premises, with the tenant supplying all the necessary cleaning supplies. The landlord will continue to maintain landscaping of the premises; and

NOW, THEREFORE, BE IT DULY RESOLVED BY THE CITY COMMISSION OF THE CITY OF SOUTH MIAMI, FLORIDA, that:

Section 1: The City Manager is authorized to enter into second amendment to lease agreement with Miami-Dade County for the use of City property located at 6121 SW 68<sup>th</sup> Street.

Section 2: That the attached second amendment to the lease agreement between Miami-Dade County and City, be made a part of the resolution.

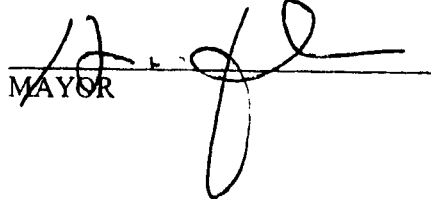
PASSED AND ADOPTED this 7th day of October, 2003.

ATTEST:

  
CITY CLERK  
READ AND APPROVED AS TO FORM:

  
CITY ATTORNEY

APPROVED:

  
MAYOR

Commission Vote: 4-0

Mayor Feliu: Yea  
Vice Mayor Russell: out of room  
Commissioner Bethel: Yea  
Commissioner Wiscombe: Yea  
Commissioner McCrea: Yea

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 8F6  
File No. 181697**

**Researcher: PGE Reviewer: TD**

RESOLUTION WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; DECLARING SURPLUS A 22,100 SQUARE FOOT PARCEL OF COUNTY-OWNED REAL PROPERTY LOCATED AT 85 W. ENID DRIVE, KEY BISCAZYNE, FLORIDA; AUTHORIZING THE CONVEYANCE OF SAME TO THE VILLAGE OF KEY BISCAZYNE, A MUNICIPAL CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF FLORIDA, IN ACCORDANCE WITH FLORIDA STATUTES SECTION 125.38 FOR A PRICE OF \$1,400,000.00; AUTHORIZING THE CHAIRPERSON OR VICE CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO ACCOMPLISH SUCH CONVEYANCE AND TO ENFORCE THE PROVISIONS SET FORTH IN SAID COUNTY DEED

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the sale by deed of County property totaling 22,100 square feet located at 85 West Enid Drive, Key Biscayne, Florida to the Village of Key Biscayne for an appraised price of \$1,400,000 for the Village to use the property as a municipal parking garage.

**APPLICABLE LEGISLATION/POLICY**

Section 125.38 of the Florida Statutes governs the sale of county property, allowing municipalities that desire any real property that may be owned by any county or by its board for public or community interest and welfare to apply to the board for a conveyance or lease of such property; such board, if satisfied that such property is required for such use and is not needed for county purposes may thereupon convey or lease the same at private sale to the applicant for such price, whether nominal or otherwise, regardless of the actual value of the property.

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

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

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

Administrative Order (AO) No. 8-4 prescribes the County's policy relating to the sale, lease or other disposal of County-owned real property. Under the AO, if property owned by the County is desired by another public agency for the same public purposes as held by the County and it is determined by the Board that the property is not needed by the County for such use, it may be conveyed at a nominal cost.

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

Resolution No. R-380-17, adopted by the Board on April 4, 2017, requires the Administration to provide written notification to the District Commissioner wherein County-owned property lies no less than four weeks prior to (1) any issuance of a Request for Proposals or Expression of Interest regarding the sale, lease or development of such property and (2) placement of any item on an agenda of the Board or any Committee of the Board requesting the approval of the sale, lease or surplus of County-owned property.

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

**BCC Meeting: September 5, 2018**  
**Research Notes**

Resolution No. R-333-15, adopted by the Board on April 21, 2015, requires the 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-974-09, adopted by the Board on July 21, 2009, requires any resolution authorizing the acceptance or execution of a deed, easement, covenant, reverter or mortgage creating or reserving a real property interest in favor of the County contain language that such instrument, after proper execution, be recorded in the public records of the county within which the real property is located.

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

Resolution No. R-1022-02, adopted by the Board on September 24, 2002, amended the lease agreement between the County and the Village of Key Biscayne for property located at 85 West Enid Drive, Key Biscayne, Florida; the amendment authorized the demolition of the existing structure on the property to construct a new municipal parking facility. The amendment also reduced the lease term from 30 to 14 years, expiring on June 14, 2007 and provided the Village with an option to purchase the property at a purchase price to be established by appraisal.

<http://intra/gia/matter.asp?matter=022441&file=false&yearFolder=Y2002>

**PROCEDURAL HISTORY**

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

**Department/Requester: Internal Services**

This item was placed on the October 10, 2017 GOC meeting agenda and was deferred to the next committee meeting. The next GOC meeting was held on November 14, 2017 wherein the item was on the agenda and was withdrawn. See Legislative Item File No. 171891 (link provided below).

<http://intra/gia/matter.asp?matter=171891&file=true&yearFolder=Y2017>

The item was then considered at the Government Operations Committee on July 16, 2018 and forwarded to the Board with a favorable recommendation. The following discussion transpired at the committee meeting:

Commissioner Martinez asked what had changed since the item was last presented to the Committee and questioned whether anything had been done to ensure and/or limit use of the property for parking only. Assistant County Attorney Sara Davis noted that the property would continue to be used as a municipal parking lot and reassured the Committee members that The Village of Key Biscayne was required by the deed to obtain written approval from the County Mayor before the property can be used for anything other than parking, in accordance with Florida Statutes Section 125.38.

Commissioner Sosa inquired as to the amount currently paid to the County by the Village to lease the property. Assistant County Attorney Davis responded that the County was paid a rental rate of \$1.00 per year. Commissioner Sosa voiced her concerns about losing real estate collateral which may affect the County's bonding capacity and noted there was also legislation in place which encouraged leasing of County owned properties instead of sale. She pointed out that the property was appraised at \$4,350,000 and was being sold for only \$1,400,000 and questioned the decision to sell the property when the Village of Key Biscayne could continue to lease the site. Deputy Mayor Edward Marquez explained that while the property was part of the County's Water and Sewer Department's inventory, it was not needed by the department. Commissioner Sosa stated that she would support the District Commissioner's decision regarding the sale of the property but maintained her concerns regarding the sale of County owned properties.

**BCC Meeting: September 5, 2018**  
**Research Notes**

Commissioner Suarez argued that the sale of unused County property eliminated administrative costs and helped improve the County's bonding position and noted that it was in the County's interest that the Village oversee the operation and maintenance of the site.

Chairman Moss requested clarification regarding the disparity between the appraised value and proposed sales price and the deed condition which requires the Village to obtain written approval from the County Mayor before the property can be used for anything other than parking. Assistant County Attorney Davis explained that while the property would be sold to the Village for a restricted value for \$1,400,000 based on the Village's representations that the land would continue to be used for free public or governmental parking, the deed contained a condition which would require the Village to obtain the County Mayor's written approval before the property could be used for anything other than parking consistent with Florida Statutes Section 125.38. Responding to Chairman Moss' question as to whether a change in the land use would prompt a change in the sales price, Assistant County Attorney Davis noted that while there would be no effect on the price, the County could object to the change of use.

Commissioner Sosa questioned how the sales price was determined and asked whether it was customary for County owned properties to be sold below market value and if there was legislation in place to allow this. ISD Director Tara Smith noted that the sales price was set based on the results of the appraisal performed on the subject property and surrounding properties by a certified licensed expert. Commissioner Sosa voiced her concern about the hiring of an external company to perform the appraisal of the subject property and the subsequent use of the independent appraisal report to set a sales price below the County's assessed value for the property.

Commissioner Martinez confirmed that there was legislation in place which governed the sale of County owned properties and requested clarification regarding the conditions for setting a sales price. Deputy Mayor Marquez clarified that WASD was allowed to dispose of unused properties and explained that the property was being sold as a "non-developable" site for the restricted value of \$1,400,000. He proceeded to explain the difference between assessed and market property values and governmental use properties. Assistant County Attorney Valdes explained that the proposed sale of the subject property was governed by Florida Statutes Section 125.38 and provided a brief review of the conditions of the sale. Commissioner Martinez reiterated his request for additional information pertaining to existing County legislation related to the sale of County owned properties.

Commissioner Monestime voiced his support for the sale and reviewed the advantages of selling the subject property to the Village. Commissioner Suarez argued that State Statute supersedes local legislation regarding the sale of the property and reiterated that the property would be limited for public use. Commissioner Martinez suggested amending the item to include a reverter clause. Commissioner Suarez stated while the current language included in the item was essentially a reverter clause he was amenable to reviewing the item more thoroughly with the aid of the County Attorney's Office to determine whether more rigid language could be included before the item was presented to the Board for consideration. Commissioner Sosa indicated her support of the item based on the addition of the reverter clause.

**ANALYSIS**

This item is requesting Board authorization to: (1) waive AO No. 8-4 as it pertains to review by the Planning Advisory Board; (2) declare the subject property surplus; and (3) convey the property to the Village of Key Biscayne for a price of \$1,400,000 for the purpose of providing governmental parking. The conveyance will be effectuated via the execution of a County Deed.

The sale of the property will generate \$1,400,000 in revenue to the County. The sale price is based on the market value of the property as unavailable for development as substantiated by an independent appraisal conducted by Edward Parker, MAI and Geoffrey Heath, MAI.

**BCC Meeting: September 5, 2018**  
**Research Notes**

The Village of Key Biscayne has leased this property from the County for over 20 years. In 2006, the Village notified the County of its intent to purchase the property and an appraisal was obtained by the County, valuing the property at \$2,400,000. However, the Village and the County did not agree on the sale price and thus the transaction did not transpire. The Village continues to occupy the property on a monthly basis as a holdover tenant as its lease has expired. The leased property is currently used for municipal parking purposes.

An appraisal conducted on March 6, 2016 values the property at \$1,400,000 if it is unavailable for development and at \$4,350,000 if it is a developable site. Note that the resolution states that the appraisal was conducted on April 11, 2016, which conflicts with the date (March 6, 2016) seen on Attachment 2 to the mayoral memorandum, Summary of Facts and Conclusions.

The Summary Report from the Office of the Property Appraiser, Attachment 1 to the mayoral memorandum, reveals that the property is 22,100 square feet, has a primary land use of "Vacant Governmental," and an assessed value of \$1,957,992 for calendar year 2017.

The County Deed restricts the Village's use of the property to: (1) providing public or governmental parking; and/or (2) any other uses permitted under 125.38 of the Florida Statutes; if the Village seeks to use the property for a permitted use other than the parking use, the Village shall provide the County Mayor with written notice describing the intended permitted use of the property and must obtain written approval from the County before the property can be used for any purpose other than the parking use. The Village has indicated that the property is within its "Governmental Use" zoning district and has only been used for a public purpose, generating no revenue.

A Supplement (File No. 182037) accompanies the item, amending the deed to: (1) include a reverter to the County in the event of a default by the Village; and (2) require that any alternative proposed use by the Village must be approved by this Board for compliance with the governmental use for public or community interest purposes restrictions.

**BCC Meeting: September 5, 2018**  
**Research Notes**

**Item No. 8F7**  
**File No. 181606**

**Researcher: PGE Reviewer: TD**

RESOLUTION AUTHORIZING ESTABLISHMENT OF PREQUALIFICATION POOL RTQ-00866 IN A TOTAL AMOUNT UP TO \$3,505,000.00 FOR REFLECTIVE LETTERING, STRIPING, AND APPLICATION SERVICES FOR VARIOUS DEPARTMENTS FOR A TERM OF EIGHT YEARS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO SOLICIT PRICING, AWARD CONTRACTS, EXERCISE ALL PROVISIONS OF THE SOLICITATION DOCUMENTS AND ANY RESULTING CONTRACTS PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA AND IMPLEMENTING ORDER 3-38, AND ADD VENDORS TO THE POOL AT ANY TIME, SUBJECT TO RATIFICATION BY THE BOARD ON A BI-ANNUAL BASIS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the establishment of a prequalification pool for purchase of reflective lettering, striping and application services for various County departments in a total amount of up to \$3,505,000 for a term of eight years.

**APPLICABLE LEGISLATION/POLICY**

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

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

Section 29-124 of the County Code sets forth the role of the Citizens' Independent Transportation Trust and provides that where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a majority vote. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

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

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

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

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



**BCC Meeting: September 5, 2018**  
**Research Notes**

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

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

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

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

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

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

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

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

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services**

This item was considered at the July 16, 2018 meeting of the Government Operations Committee and forwarded to the Board with a favorable recommendation.

**ANALYSIS**

This item is requesting Board authorization to approve a replacement pool for purchase of reflective lettering, striping and application services for multiple County departments for an eight-year term and value of \$3,505,000. The pool is used to purchase products, such as graphics and safety decals, for County vehicles. All materials used in connection with the services under this pool will be inspected prior to application to ensure conformance with departmental specifications. The Police and Internal Services departments have requested the largest allocations for the replacement term, i.e., \$1,280,000 and \$1,180,000, respectively.

The County plans to purchase 1,635 vehicles in Fiscal Year 2017-18, many of which will require services under this pool. Moreover, the County anticipates purchasing additional vehicles through the Five-Year Vehicle Replacement Plan, which may also require these services. The mayoral memorandum does not specify how many vehicles have been purchased thus far.

The fiscal impact for the eight-year term is \$3,505,000, which is based on the number of vehicles to be purchased during the term. The current pool (#7555-2/12) is valued at \$2,582,474.37 for a term of eight years and three months, expiring on December 31, 2018. The annual allocation under the replacement pool is \$438,125 while the annual allocation under the current pool is approximately \$313,027.

**BCC Meeting: September 5, 2018**  
**Research Notes**

The solicitation was advertised on March 20, 2018 and included a SBE set-aside for spot market competition valued at up to \$100,000 where there are three or more certified vendors in the pool. Six vendors responded to the procurement, of which four are being recommended for inclusion in the pool. Of the four recommended vendors, two are incumbents: Graphic Designs International, Inc. and Superior Office Services, LLC. One of the vendors under review – Walter HAAS Graphics, Inc. – is also an incumbent.

The commodity codes for the solicitation are: 55044 (Sheeting, Reflectorized for License Plates) and 55045 (Sheeting, Reflectorized). An August 28, 2018 search of the Business Management Workforce System found Servilacon Corporation as a SBE-G&S under code 55045.

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 8F8  
File No. 181627**

**Researcher: PGE Reviewer: TD**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY CONTRACT IN THE AMOUNT OF \$295,588.00 FOR THE PURCHASE OF EMERGENCY ASSISTANCE AT THE FLORIDA INTERNATIONAL UNIVERSITY PEDESTRIAN BRIDGE SITE FOR THE MIAMI-DADE POLICE DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should waive formal bid procedures by a two-thirds vote of the Board members present to ratify an emergency contract in the amount of \$295,588 to Condotte America, Inc. for the purchase of emergency assistance services at the Florida International University Pedestrian Bridge Site for the Police Department.

**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 Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.

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

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

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

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

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

Resolution No. R-187-12, adopted by the Board on 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-454-13, adopted by the Board on June 4, 2013, directed the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and bring retroactive contract modifications to the Board within 120 days of modification.

<http://www.miamidade.gov/govaction/matter.asp?matter=131016&file=true&fileAnalysis=false&yearFolder=Y2013>

**BCC Meeting: September 5, 2018**  
**Research Notes**

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

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

Implementing Order 3-38 sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources. An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order.

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

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Public Safety and Health Committee at its July 17, 2018 meeting.

**ANALYSIS**

This item is requesting that the Board ratify an emergency contract by a two-thirds vote of the Board members in the amount of \$295,588 to Condotte America, Inc. for the purchase of Emergency Assistance at the Florida International University Pedestrian Bridge Site. The emergency was declared on March 17, 2018 in order to assist first responders with professional site assessment, debris removal, vehicle recovery and demolition efforts after the collapse of the pedestrian bridge on March 15, 2018. The bridge was used to get college students over the Tamiami Trail. The accident killed one construction worker and five people sitting in cars at a stoplight below.

Condotte America issued an invoice to the Miami-Dade County Police Department on March 26, 2018 in the amount of \$295,587.04. The County's Purchase Requisition was printed on April 12, 2018 in the amount of \$295,587.04. The emergency purchase was approved by the Police Department on April 17, 2018.

The awarded vendor is a Florida for-profit corporation with a principal address in Medley, Florida, per information found on the State of Florida Division of Corporations website (sunbiz.org). The vendor's website states that its primary work area is in the transportation field, offering design-build, bid-build, pre-construction and public-private partnership services.

Resolution No. R-454-13, adopted by the Board on June 4, 2013, directed the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency. Here, the emergency was declared on March 17, 2018, and the agenda item requesting ratification of the purchase is on the September 5, 2018 Board meeting agenda, well beyond the 120-day deadline.

The commodity code for this purchase is 97526 (Cranes and Buckets Rental or Lease). A search of the Business Management Workforce System on August 30, 2018 found the following SBE-G&S vendors under this code:

- Epperson Cranes, Inc.
- Heavy Civil, Inc.

It is unclear from the mayoral memorandum whether the certified vendors were contacted to determine their interest in participating in the contract.

**BCC Meeting: September 5, 2018**  
**Research Notes**

**ADDITIONAL INFORMATION**

See link below to a June 14, 2018 Miami Herald article relating to design flaws in FIU's pedestrian bridge.

<https://www.miamiherald.com/news/local/community/miami-dade/article212571434.html>

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 8F9  
File No. 181630**

**Researcher: PGE Reviewer: TD**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY CONTRACT IN THE AMOUNT OF \$500,000.00 FOR THE PURCHASE OF MEDICAL AND MENTAL HEALTH EXPERTS FOR THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYORS DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should waive formal bid procedures by a two-thirds vote of the Board members present to ratify an emergency contract in the amount of \$500,000 for the purchase of medical and mental health experts for the Corrections and Rehabilitation Department.

**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 Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.

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

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

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

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

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

Resolution No. R-187-12, adopted by the Board on 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-454-13, adopted by the Board on June 4, 2013, directed the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and bring retroactive contract modifications to the Board within 120 days of modification.

<http://www.miamidade.gov/govaction/matter.asp?matter=131016&file=true&fileAnalysis=false&yearFolder=Y2013>

**BCC Meeting: September 5, 2018**  
**Research Notes**

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

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

Implementing Order 3-38 sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources. An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order.

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

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Public Safety and Health Committee at its July 17, 2018 meeting.

**ANALYSIS**

This item is requesting that the Board ratify an emergency contract by a two-thirds vote of the Board members present in the amount of \$500,000 for the delivery of medical and mental health expert services for the Corrections and Rehabilitation Department (MDCR). The emergency was declared on May 18, 2018 by the Director of MDCR in order to comply with a court order granting a Motion for Agreed Sanctions issued by the U.S. District Court Southern District of Florida. The order, issued in response to the County's non-compliance with court-ordered action steps contained in the Third Summary Action Plan, requires the County to retain subject matter experts in correctional medical and mental health care services to assist the County in implementing court-mandated deliverables (i.e., Consent Agreement and Summary Action Plan). Per the order, retention of such experts must be done by June 18, 2018. The experts shall primarily provide regular on-site technical assistance in correctional medical and mental health care.

The County entered into a Consent Agreement with the U.S. Dept. of Justice on May 22, 2013. Although the County has made progress towards complying with the 115 provisions, the court has required specific deliverables to be provided to monitors within set timeframes. Compliance with this mental health expert deliverable must be achieved by June 2019.

The County has contracted with three out-of-state vendors: Clinical and Forensic Psychology Practice, LLC; Eporsa, LLC; and Madeleine LaMarre, P.C. The mayoral memo does not address how the out-of-state vendors intend to deliver the on-site services.

The contract's effective date was May 22, 2018, and the expiration date is May 21, 2020. A total of \$500,000 was allocated to the contract's Blanket Purchase Order, of which \$297,000 has been released, leaving a balance of \$203,000. Purchase orders totaling \$396,000 posted on June 27, 2018. This data has been pulled from BTS on August 30, 2018.

Resolution No. R-454-13, adopted by the Board on June 4, 2013, directed the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency. Here, the emergency was declared on May 18, 2018, and the agenda item requesting ratification of the purchased is on the September 5, 2018 Board meeting agenda, adhering to the 120-day deadline.

**BCC Meeting: September 5, 2018**  
**Research Notes**

The commodity code for this purchase is 91878 (Medical Consulting). An August 30, 2018 search on the Business Management Workforce System found the following SBE-G&S firms:

- Medical Research Unlimited LLC
- Reciprocate 1906 LLC

It is unclear from the mayoral memorandum whether the certified vendors were contacted to determine their interest in participating in the contract.



**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 8F10  
File No. 181616**

**Researcher: MF Reviewer: TD**

RESOLUTION APPROVING TERMS OF AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, OF A RETROACTIVE SECOND AMENDMENT TO LEASE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND REAL SUB, LLC, A FLORIDA LIMITED LIABILITY COMPANY, FOR THE PREMISES LOCATED AT 10785 NW 58 STREET, SPACE B-11, DORAL, FLORIDA (FOLIO NO. 35-3018-015-0010), TO BE UTILIZED BY THE MIAMI-DADE PUBLIC LIBRARY SYSTEM, AS ITS DORAL ISLE BRANCH LIBRARY, FOR A ONE YEAR TERM, FROM JUNE 3, 2018 THROUGH JUNE 2, 2019, WITH A TOTAL RENTAL EXPENSE TO THE COUNTY ESTIMATED TO BE \$115,136.75, FOR THE ONE-YEAR TERM; AUTHORIZING THE AMENDMENT OF ARTICLE IV, OF THE LEASE, TRANSFERRING CERTAIN MAINTENANCE RESPONSIBILITIES TO THE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN, AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME; AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE, TO PROVIDE AN EXECUTED COPY OF SUCH AGREEMENT TO THE PROPERTY APPRAISER'S OFFICE WITHIN 30 DAYS OF ITS EXECUTION

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the terms of and authorize execution by the County Mayor of a Retroactive Second Amendment to the Lease Agreement between Miami-Dade County and Real Sub, LLC for the premises located at 10785 NW 58<sup>th</sup> Street, Space B-11, Doral, to be utilized by the Miami-Dade Public Library System, as its Doral Isle Branch Library, for a one-year term, from June 3, 2018 through June 2, 2019, with a total rental expense estimated at \$115,136.75, for the one-year term; and authorize the amendment of Article IV of the Lease, transferring certain responsibilities to the County.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 2-8.6.5, entitled "Purchase, sale, lease of real property," provides that "Prior to the County's entering into any contract, agreement or lease relating to the purchase, sale or leasing of real property by, to or from the County, all individuals, corporations, partnerships, joint ventures or other legal entities having any interest of any kind in the property to be purchased, sold or leased, shall file with the County a document identifying the extent of its ownership interest in the subject real property".

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

Resolution No. R-1310-02, adopted by the Board on November 19, 2002, authorized the County to enter into a Lease Agreement with U.S. Retail Income Fund VI, LP, to allow the Library System to operate the Doral Branch Library in the premises located at 10785 NW 58<sup>th</sup> Street, Space B-11, in Doral. (See attached copy).

Resolution No. R-635-08, adopted by the Board on June 3, 2008, authorized the execution of a Lease Agreement at 10785 NW 58<sup>th</sup> Street, Doral between the County and U.S. Retail Income Fund VI, LP, for library and office space to be occupied by Miami-Dade Pubic Library System. (See attached copy).

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services**

The proposed resolution was considered at the July 17, 2018 meeting of the Parks and Cultural Affairs Committee.

**BCC Meeting: September 5, 2018**  
**Research Notes**

Assistant County Attorney Monica Rizo highlighted a scrivener's error on handwritten page 2, line 4 of the Mayor's memorandum, and noted the reference should be to Resolution No. R-635-08.

The proposed resolution was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

Resolution No. 1310-02, adopted by the Board on November 19, 2002, authorized the County to enter into a Lease Agreement with U.S. Retail Income Fund VI, LP, to allow the Library System to operate the Doral Branch Library at 10785 NW 58<sup>th</sup> Street, Space B-11, in Doral.

Resolution No. R-635-08, adopted by the Board on June 3, 2008, authorized the County to enter into a new Lease Agreement with U.S. Retail Income Fund IV, LP, in order to continue operating the library at the same location. According to the lease, the annual base rent for the first year of the initial lease term would remain unchanged; the annual rent for the second through fifth lease years and any renewal thereof would increase each year by the Consumer Price Index, but in no event would the rental increase exceed five percent.

On September 30, 2014, the U.S. Retail Income Fund VI, LP transferred the lease to the current landlord, Real Sub, LLC. The current lease expired on June 2, 2018, and Real Sub, LLC has agreed to extend the term of the lease for one year, from June 3, 2018 through June 2, 2019, contingent upon certain modifications increasing the base rent to \$89,760.00 and the Common Area Maintenance increases to a fixed rate of \$25,376.75, for the one year term. Further, Article IV, Maintenance of the Lease, will be amended to transfer certain responsibilities pertaining to the maintenance for air conditioning and heating equipment, from the Real Sub, LLC to the County.

The County acknowledges that the proposed increase in rent and modifications to the lease are reasonable. Accordingly, it is recommended that the Board authorize execution of the Retroactive Second Amendment to the Lease Agreement between Real Sub, LLC and the County for the premises to be utilized by the Miami-Dade Public Library System, as its Doral Isle Branch Library, for a one-year term, from June 3, 2018 through June 2, 2019. In addition, it is recommended that the County:

- Authorize adjustment to the annual base rent to \$89,760, effective June 3, 2018;
- Authorize adjustment to the additional rent for common area maintenance to \$25,377, effective June 3, 2018; and
- Authorize the amendment of Article IV of the Lease, transferring the maintenance for the air-conditioning and heating equipment from the landlord to the County.

According to the Fiscal Impact Statement, the Amendment adjusts the current annual rent from \$88,000 to 89,760, and adjusts the additional rent for common area maintenance from \$24,990 to \$25,377. The total amount that the County will be obligated to pay for the one-year term, from June 3, 2018 to June 2, 2019, is \$115,137. This is paid by Library District revenues.

The Library System is in negotiations for the design and construction of a new Doral Library that is expected to replace the need for this lease going forward.

**ADDITIONAL INFORMATION**

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Real Sub, LLC, has an active status as a Florida Limited Liability Company and first filed and registered on 11/15/2000. The principal address is registered as 3300 Publix Corporate Parkway, Lakeland, FL 33811. Its registered agent is John Attaway, 3300 Publix Corporate Parkway, Lakeland, FL 33811.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

**BCC Meeting: September 5, 2018**  
**Research Notes**

Below is an aerial view of the property located at 10785 NW 58<sup>th</sup> Street, Space B-11, Doral:



Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 6(F)(1)(C)  
11-19-02

OFFICIAL FILE COPY  
CLERK OF THE BOARD  
OF COUNTY COMMISSIONERS  
DADE COUNTY, FLORIDA

RESOLUTION NO. R-1310-02

RESOLUTION AUTHORIZING EXECUTION OF LEASE AGREEMENT AT 10785 N.W. 58 STREET, MIAMI, FLORIDA WITH U.S RETAIL INCOME FUND VI L P, A DELEWARE LIMITED PARTNERSHIP, FOR PREMISES TO BE UTILIZED BY MIAMI-DADE PUBLIC LIBRARY SYSTEM AS A MINI-LIBRARY, UPON PROPER EXECUTION BY U.S RETAIL INCOME FUND VI L P; AND AUTHORIZING THE COUNTY MANAGER TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby approves the Lease Agreement between Miami-Dade County and U.S. Retail Income Fund VI, L. P, for premises to be utilized for a mini-library in substantially the form attached hereto and made a part hereof; authorizes the County Manager to execute same for and on behalf of Miami-Dade County, upon proper execution by U.S. Retail Income Fund VI, L. P; and authorizes the County Manager to exercise any and all other rights conferred therein.

The foregoing resolution was offered by Commissioner **Katy Sorenson** who moved its adoption. The motion was seconded by Commissioner **Dr. Barbara Carey-Shuler** and upon being put to a vote, the vote was as follows:


Bruno A. Barreiro	<b>absent</b>	Dr. Barbara Carey-Shuler	<b>aye</b>
Jose "Pepe" Diaz	<b>aye</b>	Betty T. Ferguson	<b>aye</b>
Sally A. Heyman	<b>aye</b>	Joe A. Martinez	<b>aye</b>
Jimmy L. Morales	<b>aye</b>	Dennis C. Moss	<b>aye</b>
Dorrian D. Rolle	<b>aye</b>	Natacha Seijas	<b>aye</b>
Katy Sorenson	<b>aye</b>	Rebecca Sosa	<b>aye</b>
		Senator Javier D. Souto	<b>aye</b>



MEMORANDUM

**TO:** Honorable Chairperson and Members  
Board of County Commissioners

**DATE:** November 19, 2002

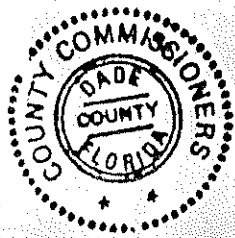
**FROM:**   
Robert A. Ginsburg  
County Attorney

**SUBJECT:** Agenda Item No. 6(F)(1)(C)

**Please note any items checked.**

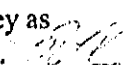
- "4-Day Rule" (Applicable if raised)
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of private business sector impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- "Sunset" provision required
- Legislative findings necessary

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of November, 2002. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.



MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as  
to form and legal sufficiency. 

Richard B. Rosenthal

By: **KAY SULLIVAN**  
Deputy Clerk

## LEASE AGREEMENT

THIS LEASE AGREEMENT made on the    day of    , 2002, by and between U.S. RETAIL INCOME FUND VI, L P, a Delaware limited partnership, hereinafter called the "LANDLORD," and MIAMI-DADE COUNTY, a political subdivision of the State of Florida, hereinafter called the "TENANT,"

### WITNESSETH:

That LANDLORD, for and in consideration of the restrictions and covenants herein contained, hereby leases to TENANT and TENANT hereby agrees to lease from LANDLORD the premises described as follows:

Approximately 2,975 square feet of air-conditioned space, together with parking in common with other tenants, at 10785 N.W. 58 Street, Miami, Florida.

TO HAVE AND TO HOLD unto the said TENANT for a term of five (5) years, commencing ten (10) days following approval by the Board of County Commissioners, completion of alterations, and acceptance by TENANT, which will not be unreasonably delayed, and terminating five years thereafter, for and at a total base rental for the first year of SIXTY EIGHT THOUSAND FOUR HUNDRED TWENTY-FIVE Dollars and 00/100 (\$68,425.00), payable in twelve (12) equal monthly installments of FIVE THOUSAND SEVEN HUNDRED TWO Dollars and 08/100 (\$5,702.08), payable in advance on the first day of every month to U.S. Retail Income Fund VI LP, PO Box 932281, Atlanta, Ga. 31193-2281, or at such other place and to such other person as LANDLORD may from time to time designate in writing. The annual rental amount for the remainder of the Lease term shall be increased by the Consumer Price Index, as stipulated in Article XIX, "Rent Adjustment".

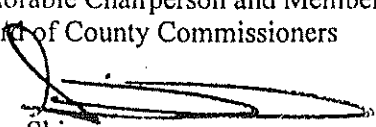
IT IS FURTHER MUTUALLY UNDERSTOOD AND AGREED BY THE RESPECTIVE PARTIES HERETO:

MEMORANDUM

Agenda Item No. 6(F)(1)(C)

TO: Honorable Chairperson and Members  
Board of County Commissioners

DATE: November 19, 2002

FROM:   
Steve Shiver  
County Manager

SUBJECT: Lease Agreement with U.S. Retail  
Income Fund VI, LP, at 10785 N.W.  
58 Street for a Mini-Library  
Property # 3018-00-00

The attached Lease Agreement has been prepared by General Services Administration at the request of the Miami-Dade Public Library System and is recommended for approval.

PROPERTY: Doral Isles Plaza Shopping Center  
10785 N.W. 58 Street, Miami.

OWNER: U.S. Retail Income Fund VI L.P.

TENANT: Miami-Dade Public Library System.

COMPANY PRINCIPAL(S): General Partner -- BVT Institutional  
Investments Inc., a Georgia Corporation- 1 %  
Limited Partners- 2,000 German Investors- 99%

USE: 2,975 square feet of storefront space for a mini-library.

JUSTIFICATION: The Miami-Dade Public Library System desires to expand its services to the Doral community by opening a second mini-library in that area. The existing library, which is located in a 1,050-square foot leased space at 9585 N.W. 41 Street, is not able to meet all of the educational and informational needs of the community. The space proposed herein for the second mini-library is larger, with excellent visibility and ample parking. The Department will continue to operate both locations to better serve the Doral community.

LEASE TERM: Five years.

RENTAL RATE: Annual rent for the first year is \$68,425.00, which is equal to \$23.00 per square foot. The annual base rent for the second and subsequent years of the lease term will be increased by the Consumer Price Index. In no event shall the rent adjustment exceed five percent (5%)



Honorable Chairperson and Members  
Board of County Commissioners  
Page 2

per year. In addition, the County's pro rata share of Common Area Maintenance, to cover Landlord's expense incurred in the overall maintenance and operation of the shopping center, is \$5.77 per square foot for the first lease year.

**LEASE CONDITIONS:**

The Landlord will complete the space build-out, as specified in the Agreement, at Landlord's sole expense. The County is responsible for payment of all charges for electricity, janitorial and custodial services and water and sewer charges.

**EFFECTIVE DATES:**

Commencing ten days after approval by the Board, unless vetoed by the Mayor, and if vetoed, only upon an override by the Board, and completion of alterations by landlord and acceptance by County, and terminating five years thereafter.

**CANCELLATION:**

County may cancel the lease at any time after the 36th month from commencement of this lease by giving the Landlord ninety (90) days written notice prior to the effective date.

**FUNDING SOURCE:**

Library Taxing District Funds.

**OTHER PROPERTIES  
EVALUATED:**

Delia Plaza Shopping Center, 10700 N.W. 58 Street, 4,115 square feet @ \$26.00 per square foot, plus \$4.20 for common area maintenance, net of all utilities and janitorial services.

Doral Isles Plaza, 10725 N.W. 58 Street, 5,250 square feet @ \$22.00 per square foot, plus \$5.77 for common area maintenance, net of all utilities. Space must be taken in "As Is" condition. Space is larger than needed.

**ARTICLE I**  
**USE OF DEMISED PREMISES**

The area of the demised premises shall be used by TENANT for a Miami-Dade County Public Library for the performance of work incidental thereto, which will necessarily entail services performed for the general public and for no other purposes.

**ARTICLE II**  
**CONDITION OF PREMISES**

LANDLORD, at its own expense, shall cause the demised premises to be in a state of good repair and suitable for usage by TENANT at the commencement of this Lease Agreement and acceptance by TENANT.

**ARTICLE III**  
**UTILITIES**

TENANT, during the term hereof, shall pay all charges for water, electricity, and all other utilities used by the TENANT.

**ARTICLE IV**  
**MAINTENANCE**

LANDLORD agrees to provide, repair or replace, as necessary, and maintain and keep in good repair, condition, and appearance, during the term of this Lease Agreement or any extension or renewal thereof, the exterior of the building and the following:

- Plumbing and electrical lines, excluding the demised premises;
- Air-conditioning and heating equipment;
- Roof and roof leaks;
- Windows, doors, and frames not covered by TENANT's Plate Glass Insurance Policy.

LANDLORD, at its sole cost and expense, shall perform or cause to be performed in the premises during the term of this Lease Agreement the aforementioned maintenance. Upon the failure of LANDLORD to effect repairs or perform the above-stated services pursuant to this Lease Agreement after fifteen (15) days' written notification to do so by TENANT, TENANT may cause the repairs to be

made and deduct their cost from the rental payments due and to become due until in each instance TENANT has fully recovered such costs in accordance with audited costs of repair furnished by TENANT to LANDLORD.

In the event of an emergency, TENANT after proper notification to the LANDLORD and failure of the LANDLORD to take immediate action, may perform repairs that are the LANDLORD's responsibility and receive a credit against rental payments or a cash reimbursement from LANDLORD for the actual costs thereof. During the term of this Lease Agreement or any renewal thereof, in TENANT's reasonable judgment a condition exists with respect to any matter in which the LANDLORD is obligated to maintain, that adversely affects TENANT's operations, and after proper notice, LANDLORD fails to repair same as required, TENANT may make such repairs and deduct the cost thereof from rental payments or any other amounts due to LANDLORD hereunder. All of the aforesaid repairs shall be made with reasonable diligence and in a good and workmanlike manner. TENANT shall be responsible for the interior of the demised premises including janitorial and custodial services. LANDLORD shall be responsible for air-conditioning maintenance.

#### ARTICLE V ADDITIONAL RENT

Common Area Maintenance: Throughout the term of this Lease the TENANT will pay to the LANDLORD, in addition to the rental otherwise specified herein, and due as additional rent, Common Area Maintenance for the Doral Isles Plaza. The "Common Area Maintenance" for the initial year of the Lease Agreement shall be Five Dollars and 77/100 (\$5.77) per square foot. The fee for each of the subsequent years will be based on estimated operating expenses to be submitted by the LANDLORD to the TENANT. The term "Common Area Maintenance" shall mean the total cost and expenses incurred in connection with the management, operation, insuring, preventive and corrective maintenance and repair of the Shopping Center, the implementation and costs for which shall be at the sole discretion of

Landlord, whether paid to employees of Landlord or parties engaged by Landlord, including without limitation: landscaping, building repairs, line painting, building painting, property maintenance allocations, lift stations, administration of water and sewer facilities, personal property and real estate taxes, bumping and top coating; lighting fixture repair or replacement; fire sprinkler systems inspection and maintenance; inspections; electricity; sanitary control; removal of trash, rubbish, garbage and other refuse; rental of machinery or equipment used in such maintenance; administration of capital reserves and ADA compliance requirements; the cost of personnel to implement such services (including social security, unemployment and disability insurance); property owner association fees assessed to the Shopping Center; Property and General Liability insurance as well as any other insurances deemed necessary by the Landlord.

At the TENANT's request, the LANDLORD shall furnish the TENANT a statement and subject to an audit by the TENANT or TENANT's representative of the actual Shopping Center's "Common Area Maintenance" operating expenses, there shall be an adjustment between the LANDLORD and the TENANT with payment or repayment by the LANDLORD as the case may require, to the end that the LANDLORD shall receive the entire amount of the TENANT's annual share for such period or, at the LANDLORD's option, any overpayment by the TENANT shall be credited on account of the next succeeding payment by the TENANT of such expenses.

**ARTICLE VI**  
**ALTERATIONS BY TENANT**

TENANT may not make any alterations, additions, or improvements in or to the premises without the written consent of LANDLORD. All additions, fixtures, or improvements (except but not limited to store and office furniture and fixtures which are readily removable without injury to the premises) shall be and remain a part of the premises at the expiration of this Lease Agreement. Subject to the above, removable partitions installed by TENANT within the demised premises shall remain TENANT's property and may be removed by TENANT upon the expiration of the Lease Agreement or

any renewal or cancellation thereof.

**ARTICLE VII**  
**DESTRUCTION OF PREMISES**

In the event the demised premises should be destroyed or so damaged by fire, windstorm, or other casualty to the extent that the demised premises are rendered untenable or unfit for the purpose of tenant, either party may cancel this Lease Agreement by the giving of written notice to the other. However, if neither party shall exercise it's respective rights of cancellation within sixty (60) days after the date of such destruction or damage, LANDLORD shall cause the building and demised premises to be repaired and placed in good condition as soon as practical thereafter. In the event of cancellation, TENANT shall be liable for rents only until the date of such fire, windstorm, or other casualty. In the event of partial destruction which shall not render the demised premises wholly untenable, the rents shall be proportionately abated in accordance with the extent to which TENANT shall be deprived of use and occupancy. TENANT shall not be liable for rent during such period of time as the premises shall be totally untenable by reason of fire, windstorm, or other casualty.

**ARTICLE VIII**  
**DISABLED INDIVIDUALS**

LANDLORD understands, recognizes, and warrants to the best of its knowledge that the demised premises and common areas associated with the demised premises shall, as of the commencement of the term and at all times be maintained, in accordance with the requirements for disabled individuals contained in the Americans with Disabilities Act of 1990 (the "ADA") and Section 553.501 et seq. of the Florida Statutes, as presently written and as may be hereafter amended.

LANDLORD further warrants that the demised premises and access thereto, including but not limited to rest rooms, hallways, entryways to the street, and accessible parking, if parking is provided under the Lease Agreement, shall, as of the commencement be in compliance with the accessibility standards for

any renewal or cancellation thereof.

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Landlord, whether paid to employees of Landlord or parties engaged by Landlord, including without limitation: landscaping, building repairs, line painting, building painting, property maintenance allocations, lift stations, administration of water and sewer facilities, personal property and real estate taxes, bumpering and top coating; lighting fixture repair or replacement; fire sprinkler systems inspection and maintenance; inspections; electricity; sanitary control; removal of trash, rubbish, garbage and other refuse; rental of machinery or equipment used in such maintenance; administration of capital reserves and ADA compliance requirements; the cost of personnel to implement such services (including social security, unemployment and disability insurance); property owner association fees assessed to the Shopping Center; Property and General Liability insurance as well as any other insurances deemed necessary by the Landlord.

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government programs contained in the ADA and all requirements of Section 553.501 et seq. of the Florida Statutes. LANDLORD covenants and agrees that the demised premises and access thereto shall at all times be maintained in accordance with the requirements of Section 255.21 of the Florida Statutes at LANDLORD's cost and expense, except where changes are required as a result of TENANT's change in program or work force. LANDLORD agrees to correct any and all violations of the obligations of LANDLORD under this Section within thirty (30) days of written notice by TENANT of the existence of the same, provided that, if such violations cannot feasibly be corrected within said thirty (30) day period, then LANDLORD agrees to commence such repairs within said thirty (30) day period and to diligently pursue the completion of same within a reasonable period thereafter.

LANDLORD recognizes and agrees that throughout the term of the Lease Agreement, TENANT may in its discretion change its employees, which operate from the leased premises. LANDLORD agrees that TENANT MAY, at TENANT's expense and subject to LANDLORD's prior reasonable approval, make such changes to the leased premises or the access thereto as may be required by TENANT to accommodate disabled individuals or to provide program accessibility in connection with any such change in TENANT's work force.

#### **ARTICLE IX** **NO LIABILITY FOR PERSONAL PROPERTY**

All personal property placed or moved in the premises above described shall be at the risk of TENANT or the owner thereof. Landlord shall not be liable to TENANT for any damage to said personal property unless caused by or due to gross negligence or willful misconduct of LANDLORD, LANDLORD'S agents or employees.

#### **ARTICLE X** **SIGNS AND DROP BOX**

Exterior signs shall be of the design and form of letter to be first approved by LANDLORD and in accordance with local code and attached sign criteria, the cost of such signage and installation to be



paid by TENANT. LANDLORD shall grant TENANT the right to place a sign on the shopping center pylon. Additional signage shall be installed on front and rear building cap at Tenant expense. LANDLORD shall grant TENANT the right to place a book drop box outside the leased premises in a mutually agreed to location. TENANT shall remove all signs and drop box at termination of this Lease Agreement and any damage or unsightly condition caused to building because of or due to said signs and drop box shall be satisfactorily corrected or repaired by TENANT.

**ARTICLE XI**  
**LANDLORD'S RIGHT OF ENTRY**

LANDLORD or any of its agents shall have the right to enter said premises during all reasonable working hours, upon the giving of twenty-four (24) hours prior notice, to examine the same or to make such repairs, additions, or alterations as may be deemed necessary for the safety, comfort, or preservation thereof of said building or to exhibit said premises and to put or keep upon the doors or windows thereof a notice "FOR RENT" at any time within ninety (90) days before the expiration of this Lease Agreement.

**ARTICLE XII**  
**LIABILITY FOR DAMAGE OR INJURY**

TENANT shall not be liable for any damage or injury which may be sustained by any party or person on the demised premises other than the damage or injury caused solely by the negligence of TENANT, subject to all limitations of Florida Statutes, Section 768.28.

**ARTICLE XIII**  
**PEACEFUL POSSESSION**

Subject to the terms, conditions, and covenants of this Lease Agreement, LANDLORD agrees that TENANT shall and may peaceably have, hold, and enjoy the premises above described, without hindrance or molestation by LANDLORD.

**ARTICLE XIV**  
**SURRENDER OF PREMISES**

TENANT agrees to surrender to LANDLORD at the end of the term of this Lease Agreement, or any extension thereof, said leased premises in as good condition as said premises were at the beginning of the term of this Lease Agreement, ordinary wear and tear and damage by fire and windstorm or other acts of God excepted.

**ARTICLE XV**  
**INDEMNIFICATION AND HOLD HARMLESS**

The TENANT does hereby agree to indemnify and hold harmless the LANDLORD to the extent and within the limitations of Section 768.28 Florida Statutes, subject to the provisions of that Statute. However, nothing herein shall be deemed to indemnify the LANDLORD from any liability or claim arising out of the negligent performance or failure of performance of the LANDLORD or any unrelated third party.

**ARTICLE XVI**  
**SUCCESSORS IN INTEREST**

It is hereby covenanted and agreed between the parties that all covenants, conditions, agreements, and undertakings contained in this Lease Agreement shall extend to and be binding on the respective successors and assigns of the respective parties hereto, the same as if they were in every case named and expressed.

**ARTICLE XVII**  
**ASSIGNMENT BY LANDLORD**

If the interests of LANDLORD under this Lease Agreement shall be transferred voluntarily or by reason of foreclosure or other proceedings for enforcement of any mortgage on the premises, TENANT shall be bound to such transferee (herein sometimes called the "Purchaser") for the balance of the term hereof remaining, and any extension or renewals thereof which may be effected in

accordance with the terms and provisions hereof, with the same force and effect as if the Purchaser were the LANDLORD under this Lease Agreement, and TENANT does hereby agree to attorn to the Purchaser, including the Mortgagee under any such mortgage if it be the Purchaser, as its LANDLORD, said attornment to be effective and self-operative without the execution of any further instruments upon the Purchaser succeeding to the interest of the LANDLORD under this Lease Agreement. The respective rights and obligations of TENANT and the Purchaser upon such attornment, to the extent of the then remaining balance of the term of this Lease Agreement and any such extensions and renewals, shall be and are the same as those set forth herein. In the event of such transfer of LANDLORD's interests, LANDLORD shall be released and relieved from all liabilities and responsibility to TENANT thereafter accruing under this Lease Agreement or otherwise and LANDLORD's successor by acceptance of rent from TENANT hereunder shall become liable and responsible to TENANT in respect to all obligations of the LANDLORD under this Lease Agreement.

**ARTICLE XVIII**  
**OPTION TO RENEW**

Not Applicable

**ARTICLE XIX**  
**RENT ADJUSTMENT**

The base rent for each twelve month period after the initial twelve-month period and any subsequent year of this Lease, shall be computed by multiplying the Annual Base Rent of Sixty Eight Thousand four Hundred twenty-five Dollars and 00/100 (\$68,425.00) by a fraction whose numerator shall be the Consumer Price Index (CPI) for the month which is two months prior to the first day of such period and whose denominator shall be the Consumer Price Index for February 1, 2003. For purposes hereof, the Consumer Price Index to be used shall be the National Consumer Price Index for all Urban Consumers, U.S. City Average (All Items: 1982-84=100) issued by the U.S. Department of Labor, Bureau of Labor Statistics or any successor agency of the United States that shall issue indexes

or data of similar type. The LANDLORD shall notify the TENANT of the adjusted monthly rent, in writing, prior to the respective effective date if such rent adjustment occurs. In no event shall the rent adjustment exceed five percent (5%) per annum, or be less than the rent for the immediately preceding year.

**ARTICLE XX**  
**CANCELLATION**

TENANT, through its County Manager or his designee, shall have the right to cancel this Lease Agreement at any time after the 36<sup>th</sup> month from commencement of this lease, by giving LANDLORD at least ninety (90) days' written notice prior to its effective date.

**ARTICLE XXI**  
**NOTICES**

It is understood and agreed between the parties hereto that written notice addressed and sent by certified or registered mail, return receipt requested, first class, postage prepaid and addressed as follows:

**TENANT:**

Real Estate Management Section  
Facilities & Utilities Mgmt. Division  
General Services Administration  
111 N.W. First Street, Suite 2460  
Miami, Florida 33128

**LANDLORD:**

c/o BVT Institutional Investments, Inc.  
Attention Property Management  
3350 Riverwood Parkway, SE Suite 1500  
Atlanta, Ga. 33039

shall constitute sufficient notice to TENANT, and written notice addressed to LANDLORD, and mailed or delivered to the address as stated above, shall constitute sufficient notice to landlord to comply with the terms of this Lease Agreement. Notices provided herein in this paragraph shall include all notices

required in this Lease Agreement or required by law.

**ARTICLE XXII**  
**IMPROVEMENTS OF THE DEMISED PREMISES**

- A. **LANDLORD'S WORK:** Subject to the terms, conditions, and covenants of this Lease Agreement, LANDLORD, at its expense, shall complete and prepare the demised premises for tenant's initial occupancy in good, workmanlike, and timely manner. LANDLORD will make the following prior to the commencement date: 1. Construct space, to include finished interior walls, two offices to include one (1) staff room approximately 10'x12' and one (1) lunchroom approximately 10'x10' per LANDLORD/TENANT approved drawing. 2. Construct two new bathrooms in compliance with county codes and ADA accessibility. 3. Install new ceiling tiles and fourteen (14) additional lighting fixtures to specifications approved by LANDLORD and TENANT. 4. Paint all interior surfaces in the leased space with paint colors approved by LANDLORD and TENANT. 5. Install linoleum floor approved by LANDLORD and TENANT.
- B. LANDLORD shall substantially complete all work and improvements as set forth in the Plans within ninety (90) calendar days of the issuance of a building permit. Issuance of a Certificate of Occupancy shall determine when substantial completion has occurred, and shall so notify both parties hereto. Improvements to the demised premises shall be deemed substantially completed when all work is done in accordance with the Plans notwithstanding the necessity to correct, adjust, or complete certain items ("Punch-List" items), so long as such corrections, adjustments, or completions do not impede tenant from using and occupying the demised premises for the purposes intended, as expressed in the Plans. LANDLORD shall complete such Punch-List at its expense at a time mutually convenient to both parties.
- C. LANDLORD shall not charge tenant any construction supervision, management supervision, consultation, or other fees with respect to the construction of the improvements to the demised

premises. TENANT has the right to inspect the premises during construction, and all industry standard work that is reasonably unsatisfactory to tenant must be corrected or repaired at landlord's expense.

**ARTICLE XXIII**  
**WAIVER OF LANDLORD'S LIEN**

Landlord, for itself and its successors and assigns, does hereby waive all rights to levy and/or distraint and all lien rights accrued and accruing as to all personal property, machinery, fixtures, and equipment, affixed or otherwise, now or hereafter belonging to or in the possession of tenant. Further, tenant may at its discretion remove from time to time all or part of its personal property, machinery, trade fixtures, and equipment.

**ARTICLE XXIV**  
**NON-DISTURBANCE**

The Lease Agreement shall be subordinate and subject to all ground or underlying leases and mortgages covering the fee of the property, or which at any time thereafter affect the property, and to all renewals, modifications, or replacements thereof; provided, however, that with respect to any ground lease agreement, underlying lease agreement, or mortgage subsequent to the date of this Lease Agreement, such subordination shall not be effective unless and until LANDLORD shall obtain from any and all such ground lessors, underlying lessors, and/or lenders a written agreement with TENANT wherein any and all such ground lessors, underlying lessors, and/or lenders shall agree that the Lease Agreement shall not be divested or in any way affected by foreclosure, other default proceedings, or other succession in interest by or under any ground lease agreement, lease agreement mortgage, or obligation secured thereby, so long as TENANT complies with the terms, conditions, and covenants of this Lease Agreement and performs its obligations under this Lease Agreement (said agreement being referred to herein as a "Non-Disturbance Agreement"). If LANDLORD shall so fail to obtain a Non-

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Disturbance Agreement from any such subsequent ground lessor, holder of any mortgage, or underlying lessor, then the parties recognize that this Lease Agreement shall be and remain superior to any such ground lease agreement, underlying lease agreement, and/or mortgage entered into or executed subsequent to the date of this Lease Agreement. Further, with respect to any and all existing ground lease agreement, underlying lease agreement, and/or mortgage, prior to the commencement of the construction of LANDLORD'S WORK LANDLORD shall obtain from any and all ground lessors, underlying lessors, and/or lenders a Non-Disturbance Agreement.

**ARTICLE XXV**  
**FORCE MAJEURE**

TENANT and LANDLORD shall be excused for the period of any delay and shall not be deemed in default with respect to the performance of any of the non-monetary terms, covenants, and conditions of the Lease Agreement when prevented from so doing by cause or causes beyond TENANT's or LANDLORD's control, excluding filing of bankruptcy, but which shall include, without limitation, all labor disputes, governmental regulations or controls, fire or other casualty, acts of God, acts of war or terrorism or any other cause, whether similar or dissimilar to the foregoing, not within the control of TENANT or LANDLORD.

**ARTICLE XXVI**  
**LANDLORD'S DEFAULT**

It shall constitute a default of this Lease Agreement by LANDLORD if, except as otherwise provided in this Lease Agreement, LANDLORD fails to observe or perform any of the covenants, conditions, or provisions of this Lease Agreement to be observed or performed by LANDLORD, where such failure shall continue for a period of thirty (30) days after written notice thereof from TENANT to LANDLORD; provided, however, that if the nature of LANDLORD's non-compliance is such that more than thirty (30) days are reasonably required for its cure, then LANDLORD shall not be deemed to be in default if LANDLORD commenced such cure within said thirty (30) day period and thereafter diligently prosecutes such cure to completion. In the event of any such default by LANDLORD,

TENANT may at any time thereafter bring an action for damages, termination, and/or injunctive relief (it being recognized that in such event TENANT is irreparably harmed for which there is no adequate remedy at law). No remedy of TENANT provided for in the Lease Agreement shall be considered to exclude or suspend any other remedy provided for herein, but the same shall be cumulative and in addition to TENANT's remedies at law or in equity.

**ARTICLE XXVII**  
**RESPONSIBILITY FOR DAMAGE TO DEMISED PREMISES**

If TENANT shall fail to perform its obligations under ARTICLE IV after thirty (30) days' written notice from LANDLORD, then LANDLORD shall have the right to make such repairs or replacements and any reasonable cost so incurred by LANDLORD shall be paid by TENANT, in which event such cost shall become additional rent payable with the installment of rent next becoming due under the terms of this Lease Agreement.

**ARTICLE XXVIII**  
**WAIVER**

If, under the provisions hereof, LANDLORD or TENANT shall institute proceedings and a compromise or settlement thereof shall be made, the same shall not constitute a waiver of any covenant herein contained nor of any of LANDLORD's or TENANT's rights hereunder, unless expressly stated in such settlement agreement. No waiver by LANDLORD or TENANT of any provision hereof shall be deemed to have been made unless expressed in writing and signed by both parties. No waiver by LANDLORD or TENANT of any breach of covenant, condition, or agreement herein contained shall operate as a waiver of such covenant, condition, or agreement itself, or of any subsequent breach thereof. No payment by TENANT or receipt by LANDLORD of lesser amount than the monthly installments of rent (or additional rent obligations stipulated) shall be deemed to be other than on account of the earliest stipulated rent nor shall any endorsement or statement on any check or letter accompanying a check for payment of rent or any other amounts owed to LANDLORD be deemed an



TENANT may at any time thereafter bring an action for damages, termination, and/or injunctive relief (it being recognized that in such event TENANT is irreparably harmed for which there is no adequate remedy at law). No remedy of TENANT provided for in the Lease Agreement shall be considered to exclude or suspend any other remedy provided for herein, but the same shall be cumulative and in addition to TENANT's remedies at law or in equity.

**ARTICLE XXVII**  
**RESPONSIBILITY FOR DAMAGE TO DEMISED PREMISES**

If TENANT shall fail to perform its obligations under ARTICLE IV after thirty (30) days' written notice from LANDLORD, then LANDLORD shall have the right to make such repairs or replacements and any reasonable cost so incurred by LANDLORD shall be paid by TENANT, in which event such cost shall become additional rent payable with the installment of rent next becoming due under the terms of this Lease Agreement.

**ARTICLE XXVIII**  
**WAIVER**

If, under the provisions hereof, LANDLORD or TENANT shall institute proceedings and a compromise or settlement thereof shall be made, the same shall not constitute a waiver of any covenant herein contained nor of any of LANDLORD's or TENANT's rights hereunder, unless expressly stated in such settlement agreement. No waiver by LANDLORD or TENANT of any provision hereof shall be deemed to have been made unless expressed in writing and signed by both parties. No waiver by LANDLORD or TENANT of any breach of covenant, condition, or agreement herein contained shall operate as a waiver of such covenant, condition, or agreement itself, or of any subsequent breach thereof. No payment by TENANT or receipt by LANDLORD of lesser amount than the monthly installments of rent (or additional rent obligations stipulated) shall be deemed to be other than on account of the earliest stipulated rent nor shall any endorsement or statement on any check or letter accompanying a check for payment of rent or any other amounts owed to LANDLORD be deemed an

accord and satisfaction and LANDLORD may accept such check or payment without prejudice to or waiver of LANDLORD's right to recover the balance of such rent or other amount owed or to pursue any other remedy provided in this Lease Agreement. No reentry by LANDLORD and no acceptance by LANDLORD of keys from TENANT shall be considered an acceptance of a surrender of this Lease Agreement.

**ARTICLE XXIX**  
**LANDLORD'S RIGHT TO REPAIR**

LANDLORD shall have access to all air conditioning and heating equipment and to all other mechanical, electrical, plumbing and utility installations servicing the Building and the Premises upon twenty-four (24) hours prior written notice to TENANT, except in the event of an emergency, in which case such notice shall be reasonable under the circumstances. At the election of TENANT, LANDLORD shall be accompanied by an employee of TENANT, except in the event of an emergency. LANDLORD shall use its best efforts to minimize any interference to TENANT's usage of the premises during the exercise of any rights granted to LANDLORD herein. In the event that, because of the act or negligence of LANDLORD, its employees, agents, or contractors, LANDLORD shall fail to provide, or cause to be provided, to substantially all of the premises, air conditioning, plumbing (unless LANDLORD shall provide other facilities in the building), any elevator service or electricity for more than two (2) continuous business days, the rent shall equitably abate based on any substantial portion of the premises affected until the situation is corrected. Notwithstanding anything contrary to the above, any act caused by force majeure is not included herein.

**ARTICLE XXX**  
**ENVIRONMENTAL QUALITY**

Without prejudice to any other obligation of LANDLORD pursuant to this Lease Agreement, LANDLORD shall at all times comply with the following requirements:

- A. **INDOOR AIR QUALITY.** LANDLORD shall at all times maintain the Heating, Ventilating, and Air Conditioning System (HVAC) and shall perform at least the minimum periodic

preventive maintenance on the HVAC system equipment as specified in the attached Exhibit "A", "HVAC System Preventive Maintenance For Leased Space" and applicable to the TENANT premises.

- B. LANDLORD and its designated contractor will use only nontoxic paint or other surface coatings, and will cause the space to be continuously ventilated with outside air to prevent the build-up of chemical gases from construction materials, or other emissive materials during the build-out or renovation of the demised space.

#### **ARTICLE XXXI HOLDOVER**

If TENANT, with LANDLORD's consent, remains in possession of the premises after expiration of the term and if LANDLORD and TENANT have not executed an expressed written agreement as to such holding over, then such occupancy shall be a tenancy from month to month at a monthly rental for the first month, after expiration of the term, equivalent to one hundred ten percent (110%) of the monthly rental in effect immediately prior to expiration, such payments to be made as herein provided. In the event of such holding over, all of the terms of the Lease Agreement including the payment of all charges owing hereunder other than rent shall remain in force and effect on said month to month basis. Notwithstanding the foregoing, in the event LANDLORD and TENANT shall be engaged in negotiations for renewal of this Lease at expiration of the term, then such rental shall remain at the rate in effect immediately prior to expiration until either party shall give written notice to the other declaring such negotiations terminated.

#### **ARTICLE XXXII WRITTEN AGREEMENT**

This Lease Agreement contains the entire agreement between the parties hereto and all previous negotiations leading thereto, and it may be modified by only resolution approved by the Board of

County Commissioners.

**ARTICLE XXXIII**  
**RULES AND REGULATIONS**

Tenant agrees to abide by Landlord's rules and regulations ("Rules and Regulations") for the shopping center, as such Rules and Regulations shall be compiled by Landlord from time to time.

A copy of the current Rules and Regulations is attached to this Lease Agreement. Tenant agrees to instruct its employees to park in the area designated by Landlord as employees' parking area. Tenant shall not permit its employees to park in any area of the shopping center other than that designated by Landlord as employees' parking area.

**ARTICLE XXXIV**  
**RADON**

Radon is a naturally occurring naturally active gas that, when accumulated in a building in sufficient quantities, may present a health risk to persons who are exposed to it over time. Levels of radon that exceed State guidelines have been found in buildings in Florida. Additional information regarding radon and radon testing may be obtained from your public health unit

**ARTICLE XXXV**  
**EMINENT DOMAIN**

If the whole of the Premises shall be taken by any public authority under the power of eminent domain, then at the time of taking the Term of this Lease Agreement shall cease, and the rent due shall be paid up to that day. If any part of the Premises shall be taken, and such partial taking shall render that portion not taken unsuitable for the business of Tenant, as determined by Landlord, then the Term of this Lease Agreement shall cease and the rent due shall be paid up to that date. If such partial taking is not extensive enough to render the Premises unsuitable for business of Tenant, then this Lease Agreement shall continue in effect except that the minimum rent shall be reduced in the same proportion that the floor area of the Premises taken bears to the original floor area demised. If this

Lease is not terminated pursuant to this Article XXXV, Landlord shall, upon receipt of the condemnation award, make all necessary repairs or alterations to the building in which the Premises are located so as to constitute the portion of the building not taken a complete architectural unit, but such work shall not exceed the scope of the work to be done by Landlord in originally constructing said building. Landlord shall not be required to spend for such work an amount in excess of the amount received by Landlord as damages for the part of the Premises so taken. "Amount received by Landlord" shall mean that part of the condemnation award which is free and clear to Landlord of any collection of mortgages for the value of the diminished fee. If more than twenty percent (20%) of the floor area of the building in which the Premises are located shall be taken, Landlord may terminate this Lease upon thirty (30) days written notice to Tenant. All damages awarded for such taking shall belong to Landlord whether such damages shall be awarded as compensation for diminution in value to the leasehold or to the fee of the Premises; provided, however, that Landlord shall not be entitled to any portion of the award made to Tenant for cost of removal of stock and fixtures.

IN WITNESS WHEREOF, LANDLORD and TENANT have caused this Lease Agreement to be executed by their respective and duly authorized officers the day and year first above written

U.S. RETAIL INCOME FUND VI, LP  
a Delaware Limited Partnership

AND

BVT INSTITUTIONAL  
INVESTMENTS INC.  
IT'S GENERAL PARTNER

\_\_\_\_\_  
WITNESS

\_\_\_\_\_  
WITNESS

By: \_\_\_\_\_  
Kip P. Marshall  
Vice President, Asset Management

(OFFICIAL SEAL)

ATTEST:  
HARVEY RUVIN, CLERK

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Steve Shiver  
County Manager (TENANT)

Approved by County Attorney as to  
form and legal sufficiency: \_\_\_\_\_

**EXHIBIT "A"**  
**HVAC SYSTEM PREVENTIVE MAINTENANCE FOR LEASED SPACE**

Prior to commencement of the Lease Agreement, the Landlord shall service each component, if applicable, as follows:

- I. **FILTERS** - Applicable to all supply conditioned air to TENANT premises:
  - A. High-efficiency type (ASHRAE rated 85%).
  - B. Electrostatic antimicrobial - minimum acceptable.
  
- II. **OUTSIDE AIR INTAKE** - applicable on all central systems:
  - A. Check for cleanness and operation if motorized louvers - filter preferred.
  
- III. **TEMPERATURE AND HUMIDITY** - Temperature 73-78 degrees - Humidity 50-60%:
  - A. ASHRAE generally accepted comfort zone for South Florida.
  - B. Check controls and verify temperature and humidity are at or near guidelines.
  
- IV. **AIR HANDLER** - Separate type or self contained in AC package unit as applicable:
  - A. Clean coils and check for leaks and loose connections.
  - B. Lubricate fan motors and check belts.
  - C. Check air intake and exhaust.
  - D. Check fan motors for overheating and vibration.
  - E. Check structural frame for sturdiness.
  - F. Check and clean contact points in switches.
  - G. Check condensate drip pan for standing water. Clean and spray with algicide.
  - H. Check, remove trash, and clean condensate drain and trap.
  
- V. **COMPRESSOR** - Separate or self-contained in AC package unit as applicable:
  - A. Check for indication of leakage.
  - B. Check pressure and temperature.
  
- VI. **PUMPS** as applicable:
  - A. Inspect belts for damage, tension, and alignment.
  - B. Check bearings and seals (motor and pump).
  - C. Check phase voltage and impeller.
  
- VII. **COOLING TOWER** as applicable:
  - A. Check water level - minimum monthly.
  - B. Check oil level in gear reducers.
  - C. Check for leaks and excessive noise or vibration.
  - D. Check water quality/chemical treatment.
  
- VIII. **BUILDING EXTERIOR:**
  - A. Check for water infiltration into walls or above ceilings to prevent mold and mildew.
  
- IX. **CEILING TILES:**
  - A. Check and replace any ceiling tile that shows water stains to prevent mold spores.
  
- X. **SUPPLY AND RETURN AIR DUCTS:**
  - A. Remove ceiling diffuser and clean, check for visible sign of dirt around the opening or dirt coming out of duct openings on supply air diffusers - yearly. If they are dirty, then clean the ducts.

## Rules and Regulations

- (a) Tenant agrees to comply with the following:
- (i) All loading of goods shall be done only at such times, in the areas, and through the entrances, designated for such purposes by Landlord. The delivery or shipping of merchandise, supplies and fixtures to and from the Leased Premises shall be subject to such rules and regulations as in the judgment of the Landlord are necessary for the proper operation of the Leased Premises or the Shopping Center;
  - (ii) Trailers or trucks shall not be permitted to remain parked overnight in any area of the Shopping Center, whether loaded, unloaded or partially loaded or unloaded;
  - (iii) All garbage, refuse and rubbish shall be deposited in the kind of container specified by Landlord, and shall be placed outside of the Leased Premises prepared for collection in the manner and at the times and places specified by Landlord and in accordance with municipal regulations. Burning of garbage, refuse or rubbish at any place on or in the Shopping Center premises is not permitted. If Landlord shall provide or designate a service for picking up garbage, refuse and rubbish, Tenant shall use same at Tenant's cost. Tenant shall pay the cost of removal of any of Tenant's refuse and rubbish;
  - (iv) No radio or television or other similar device shall be installed without first obtaining in each instance the Landlord's prior written consent. No aerial shall be erected on the roof or exterior walls of the Leased Premises, or on the grounds, without in each instance, the prior written consent of the Landlord. Any aerial so installed without such written consent may be removed by Landlord at any time and Landlord shall not be liable for such removal;
  - (v) No loud speakers, radios, machinery, mechanical apparatus, or other devices shall be used or allowed to operate in a manner so as to be heard or seen outside of the Leased Premises without the prior written consent of the Landlord;
  - (vi) The outside areas immediately adjoining the Leased Premises shall be kept clean and free from dirt and rubbish by the Tenant to the satisfaction of the Landlord and Tenant shall not place or permit any obstruction or merchandise in such areas, or conduct any business therefrom;
  - (vii) Tenant and Tenant's employees shall park their cars only in such portion of the parking area designated for such purpose by the Landlord. Tenant shall furnish Landlord with State automobile license numbers assigned to Tenant's employees within five (5) days after taking possession of the Leased Premises and shall thereafter notify the Landlord of any changes within five (5) days after changes occur. In the event that the Tenant or its employees fail to park their cars in designated parking areas as aforesaid, then the Landlord at its option shall charge the Tenant ten dollars (\$10.00) per day or partial day per car parked in any area other than that designated;
  - (viii) The plumbing facilities shall not be used for any other purpose than that for which they are constructed, and no foreign substance of any kind shall be thrown therein, and the expenses of any breakage, stoppage or damage resulting from a violation of this provision shall be borne by Tenant who shall, or whose employees, agents or invitees shall, have caused same;
  - (ix) Tenant shall use, at Tenant's cost, ~~such~~ pest extermination contractor ~~as Landlord may direct and at such intervals as Landlord may require;~~
  - (x) Tenant shall keep the Leased Premises free from nuisances, noises or odors objectionable to the public, to other tenants in the Shopping Center, or to the Landlord; and
  - (xi) Tenant shall not conduct any auction, fire, bankruptcy, selling-out, or closing-out sale on or about the Leased Premises.



## SIGN CRITERIA

## I. GENERAL:

The following sign criteria has been established for the purpose of developing uniform, highly visible, aesthetically pleasing store signage and fascia to harmonize with and compliment the shopping center's building material.

- A. Each Tenant will identify its store with Landlord approved signs.
- B. Tenant will provide at its expense two copies of drawings of its proposed sign. Sign drawings shall include a scale showing individual lettering height and total copy length. Sign construction, installation diagram, material information and color scheme shall also be indicated. Upon review, Landlord will notify Tenant or sign manufacturer of approval or disapproval.
- C. All Tenant signs will be designed and installed at Tenant's expense. All signs shall meet requirements and specifications set forth in the Landlord's sign criteria.  

Please note: It is the Tenant's responsibility to be informed of sign ordinances in his local area. Where governmental sign requirements are more restrictive than Landlord's criteria, governmental restrictions will prevail. Necessary sign permits shall be obtained at the Tenant's expense. In some cases, your sign company will provide ordinance information as well as obtaining necessary sign permits. Tenant will be held liable and bear all costs for removal/and or correction of signs; sign installation and damage to the building because of signage installation that does not conform with Landlord's sign criteria. Upon Tenant's departure, Tenant will remove its sign and repair store front sign bank to its original condition.
- D. Tenant shall have sign installed and operating within sixty (60) days of the Rent Commencement Date.
- E. National or Regional Tenants: Landlord reserves the right to allow these Tenants to place their registered sign and trade mark on the fascia.

## II. FASCIA SIGN:

- A. TYPE: One sign of Individual Channel Letters Internally Illuminated shall be allowed per Tenant.
- B. DIMENSIONS:
  1. Maximum overall height: 24 Inches
  2. Maximum overall length: 75% of the front footage of the store. (15 feet for a twenty foot storefront.)
  3. Minimum letter height: one (1) foot.
- C. CONSTRUCTION:
  1. The casings will be fabricated from .050 aluminum. All letters shall have a white interior for an even distribution of lighting. The contour of the letter shall be approved by Landlord. All casing returns shall have a factory finish polyurethane coating. (Color as per Landlord.) Silver trim shall coordinate with letter color.
  2. All letters will be faced with 3/16" acrylic supplied by the Rohm & Hass Company.
  3. Each letter will have a diffused lighting effect for an even distribution of illumination. The neon tubing (size of tubes relevant to size of letter) will be as provided by the Corning Company with EGL electrodes (or equal) and with a proper vacuum and pressure of neon gas. The transformers powering the lighting system will be 60 milliamp for increase illumination, and will be underrated 5% to compensate for voltage fluctuation and assure even light distribution. The electrodes will be housed in pyrex spring type units which will be protected from the elements. Secondary wiring will be accomplished by proper high tension cable and Sta-Con fasteners. All wiring shall be remote. All electrical must be U.L. approved and meet all local and state codes.

D. BALANCE:

1. Vertical: Unless stylized by design, capital letters will be spaced so there is an equal border on top and bottom of each letter with smaller case letters even with the bottom of the capital letter.
2. Horizontal: Letters will be evenly balanced from midpoint of the sign.
3. Logos: Must fit within the 36" height requirement.

E. OTHER:

1. No flashing action, other mechanical animation, formed or injection molded plastic, or boxtype signs will be permitted.
2. Tenant's sign must be kept clean and in good operating condition at all times at Tenant's expense.
3. Content of signage shall be limited to Tenant's trade name and, at Landlord's discretion, logo only.
4. Lights may not be installed in the storefront to illuminate signs, nor be installed in the sign to illuminate the storefront.

III. MOUNTING:

- A. Mounting brackets are to be stainless steel fasteners to prevent staining of fascia.
- B. Mounting brackets are not to be exposed or be seen.
- C. Signs are to be mounted for bird control.

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 8F11  
File No. 181597**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$46,000,000.00 FOR PREQUALIFICATION POOL NO. 9427-1/21-1 FOR PURCHASE OF PASSENGER LOADING BRIDGES, REPLACEMENT PARTS, AND REFURBISHMENT DEVICES AND PROVIDING ADDITIONAL FUNDING FOR REPAIRS AND TECHNICAL SUPPORT FOR THE AVIATION DEPARTMENT AND PORTMIAMI

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize additional expenditure authority in the amount of \$46,000,000 to *Prequalification Pool No. 9427-1/21-1, Passenger Loading Bridges, Replacement Parts, Repairs and Refurbishment Services* for the Aviation Department and PortMiami.

**APPLICABLE LEGISLATION/POLICY**

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

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

Resolution No. R-677-11, adopted by the Board on September 1, 2011, authorizes award of competitive contract 9427-1/21, *Passenger Loading Bridges, Replacement Parts, Repairs, and Refurbishment Services* in the amount of \$18,850,000 for a term of five years with one, five-year option to renew.

<http://intra/gia/matter.asp?matter=111427&file=true&yearFolder=Y2011>

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

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

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

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

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; 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: September 5, 2018  
Research Notes**

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Economic Development and Tourism Committee at its July 18, 2018 meeting. Chairwoman Sosa asked the Department to report to the Board by the next BCC meeting why most of the companies in the pool are not local.

**ANALYSIS**

The proposed resolution authorizes additional expenditure authority to *Prequalification Pool No. 9427-1/21-1, Passenger Loading Bridges, Replacement Parts, Repairs and Refurbishment Services*, in the amount of \$46,000,000 in order for PortMiami and the Aviation Department to continue the purchase of Passenger Loading Bridges, which are used for the embarkment and disembarkment of passengers, and to provide regular maintenance of the passenger loading equipment.

The pool is currently in its renewal term, which expires on September 30, 2021. A total of \$28,055,000 was allocated to the current pool's Blanket Purchase Order; of that amount \$18,216,467.37 has been released (as of August 24, 2018), leaving a balance of \$9,483,736.63. The table below shows the departmental allocations and expenditures for the current renewal term.

Department	Allocation Amount	Released Amount	Balance	Funding Source
Aviation	\$14,455,000	\$5,854,202.36	\$8,600,797.64	Proprietary Funds
PortMiami	\$13,600,000	\$12,717,061.01	\$882,938.99	Proprietary Funds
<b>Total:</b>	<b>\$28,055,000.00</b>	<b>\$18,571,263.37</b>	<b>\$9,483,736.63</b>	

The initial contract, approved September 1, 2011, pursuant to Resolution No. R-677-11, was in the amount of \$18,850,000. The original resolution states that, if the County were to choose to exercise the one, five-year option-to-renew, the total contract value will be \$37,700,000. However, per information shown in the Bid Tracking System on August 24, 2018, the option term was approved with an allocation of \$24,055,000. Accordingly, the cumulative allocation, prior to any modifications, amounts to \$42,905,000.

Including modifications, the pool's current cumulative allocation is \$52,110,000. If the request for additional expenditure authority in the amount of \$46,000,000 is approved, the modified cumulative allocation will be \$98,110,000.

Term	Original Award Amount	Modifications	Modified Allocation	Expiration Date
Initial	\$18,850,000	\$5,205,000	\$24,055,000	9/30/2016
Option to Renew	\$24,055,000	\$4,000,000	\$28,055,000	9/30/2021
<b>Total:</b>	<b>\$42,905,000</b>	<b>\$9,205,000</b>	<b>\$52,110,000</b>	

The stated need for the requested modification is due to operational demands by both the Aviation Department and PortMiami. In 2017, PortMiami was confirmed as Home Port for additional ships, requiring two new loading bridges at new Cruise Terminal B for cruise partner, Norwegian Cruise Lines, and one new loading bridge for the future renovation of Cruise Terminal C, to be used by multiple cruise partners.

This procurement will also facilitate Aviation's plan to prioritize the replacement of 33 Passenger Loading Bridges that have exceeded their useful life. In furtherance of increasing operation and service reliability, the replacement of these bridges with

**BCC Meeting: September 5, 2018**  
**Research Notes**

new Passenger Loading Bridges will help safeguard the wellbeing of passengers and airport employees, while eliminating the problems of frequent breakdowns, excessive downtime, and unavailability of parts for obsolete bridges. New Passenger Loading Bridges will incorporate state of the art safety features.

While the need for the Passenger Loading Bridges is clear, it is unclear why this stated need was not forecasted during the issuance of the OTR. The County established the current pool in the amount of \$18,850,000 on September 1, 2011 for a five-year term, with one, five-year option to renew term. The pool is currently in its renewal term, with an allocation of \$28,055,000 for the five-year term after a \$4,000,000 modification approved on February 23, 2017. The request for additional expenditure authority in the amount of \$46,000,000 is 164% of the value of the current option to renew term, and is thus likely beyond the scope of services/requirements envisioned by the participants in the pool and the contracted vendor.

The pool, with three prequalification groups, currently has eight vendors of which three are local (37.5%). The awarded vendor, North American Construction Company, LLC, has a local address.

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 8F12  
File No. 181639**

**Researcher: IL Reviewer: TD**

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$1,600,000.00 FOR PREQUALIFICATION POOL NO. RTQ-00310 FOR PURCHASE OF CATERING SERVICES FOR VARIOUS DEPARTMENTS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize additional expenditure authority to *Prequalification Pool No. RTQ-00310, Catering Services*, in the amount of \$1,600,000 in order to continue the purchase of catering services for various County departments.

**APPLICABLE LEGISLATION/POLICY**

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

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

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

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

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

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

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

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

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; 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>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Government Operations Committee at its July 16, 2018 meeting. Prior to passage, Commissioner Xavier Suarez asked for the justification of the \$1.6 million expenditure for catering services. The Director of the Internal Services Department, Tara Smith, clarified that the

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funds are to be used during emergency preparedness scenarios for catering of multiple departments (WASD, CAHSD, DTPW, MDPD). Commissioner Sosa added that she would like to see seniors getting their food on time, prior to the hurricane, unlike what occurred during Hurricane IRMA. Chairman Moss directed Director Tara Smith to provide a report by the next Board meeting on the delivery of these meals to qualifying seniors prior to the strike of an emergency.

**ANALYSIS**

The proposed resolution is requesting Board authorization to increase expenditure authority to *Prequalification Pool No. RTQ-00310, Catering Services*, in the amount of \$1,600,000 in order for multiple County departments to continue purchasing catering services. The County established the current pool under delegated authority in the amount of \$300,000 on March 1, 2016 for an eight-year term, expiring February 28, 2024. Community Action and Human Services was the only user department under the pool when the pool was established. The pool has been modified multiple times under delegated authority in a total amount of \$669,000, resulting in the current pool value of \$969,000. The pool has two Groups: (A) Catering Firms, which requires the prequalified vendor to maintain a State of Florida Department of Business and Professional Regulations Division of Hotels and Restaurants Certificate; and (B) Meals Ready to Eat.

If the request for additional expenditure authority in the amount of \$1,600,000 is approved, the modified cumulative allocation will be \$2,569,000. The additional funds would be used to prepare for the current hurricane season and future emergency events to accommodate employees who are precluded from leaving their assigned posts for extended periods of time, elderly residents, and other vulnerable County residents during emergency response operations. The specific allocation requests, including justification for the request, for each user department is summarized below:

- Community Action and Human Services Department: The Community Action and Human Services Department purchased 1,800 shelf-stable meals for elderly County residents, residential clients within the Violence Prevention and Intervention Services Division, and clients recovering from drug and alcohol addiction through the Rehabilitative Services Division.
- Miami-Dade Police Department (MDPD): The MDPD is attempting to fulfill catering services for the Special Patrol Bureau, Miami-Dade Police Training Institute, Narcotics Bureau, and Agricultural Patrol District.
- Department of Transportation and Public Works (DTPW): DTPW is attempting to continue servicing its existing 23 locations during Hurricane activation due to businesses being closed and employees not being able to return home to eat.
- Miami-Dade Water and Sewer Department (MDWASD): MDWASD is attempting to have additional expenditure to purchase meals for staff deployed in the field during emergency response operations.

The chart below illustrates the distribution of the cumulative and requested additional allocations by department.

<b>Pre-Qualified Vendor</b>	<b>Principal Address</b>	<b>Group A</b>	<b>Group B</b>	<b>Sunbiz Status</b>	<b>DBPR Certificate Status</b>	<b>Local Vendor Status</b>
Greater Miami Caterers, Inc.	4001 NW 31 Avenue, Miami, FL	Yes	No	Active	Active	Yes
ILS Group, LLC dba Classic Caterers	5200 Blue Lagoon Drive, Suite 500, Miami, FL	Yes	No	Active	Active	Yes

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Luxfer Magtech, Inc., dba Heatermeals	2590 Ridgeway Boulevard, Manchester, NJ	No	Yes	Active	N/A	No
MRE Star, LLC	2639 Fruitville Road, Suite 103, Sarasota, FL 34237*	No	Yes	Active	N/A	No
South Florida Catering N Events, Inc.	5451 NW 72 Avenue, Miami, FL	Yes	No	Active	Active	Yes

\*MRE Star LLC had an address change on April 24, 2018. The new address is listed above.

A total of \$969,000 has been allocated to the current pool's Blanket Purchase Order; of that amount \$415,180.90 has been released (as of August 23, 2018), leaving a balance of \$535,450.10. The chart below illustrates the distribution by department.

Department	Existing Cumulative Allocation	Released Amount	Balance
Community Action and Human Services	\$300,000	\$129,035.08	<b>\$170,964.92</b>
Police	\$216,000	\$192,119.82	<b>\$23,880.18</b>
Transportation and Public Works	\$353,000	\$103,995	<b>\$249,005</b>
Water and Sewer	\$100,000	\$8,400	<b>\$91,600</b>
<b>Total :</b>	<b>\$969,000.00</b>	<b>\$433,549.90</b>	<b>\$535,450.10</b>

Of the five vendors currently in the pool, three are local (60%), which is below the 75% threshold required by Resolution No. R-477-18. The Mayoral Memorandum states that, to increase participation in the pool, an invitation to bid was sent to 12 additional vendors, of which 11 are local. As a result of outreach efforts, two local vendors submitted documentation and met the qualification criteria. They are currently under review to be included in the pool. If added, the percentage of local vendors rises to 71%, still below the threshold required by Resolution No. R-477-18.

Below is the list of the local vendors under review.

Vendor	Principal Address	Local Vendor
Caffe Cappuccino dba Catering the Event	6335 NW 99 Avenue, Doral, FL	Yes
Randazzo Catering Inc., dba Creative Taste Catering-Local (SBE)	12229 SW 131 Avenue, Miami, FL	Yes

OCA performed a search for commodity code 96115: Concessions, Catering, Vending: Mobile and Stationary on the Business Management Workforce System's Certified Vendor Directory on August 23, 2018. Listed below are the local SBEs identified:

- Apex Vending, Inc.
- M H Management Inc
- Miami-Kite Boarding, Inc.
- Nutrispa Inc



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- Pastal Enterprises, Inc., dba Sasha & Lisa's Popcorn
- Randazzo Catering, Inc., dba Creative Tastes Catering (currently under review)

**DEPARTMENTAL INPUT**

OCA posed the following questions to the Internal Services Department. The answers have been italicized.

- Please assist me in clarifying whether an SBE set-aside applies to this pool and if so, how often, since the inception of the pool, has competition been sheltered accordingly; *The SBE set-aside applies to the spot market quotations for quotes \$100,000 or less (see attached SBD project worksheet recommendations), all spot market quotes are administered by the client departments. The measures are applied at the time of competition whenever the client department has a need for the goods and services.*
- Please indicate the pool's prequalification groups and indicate which group each vendor has met the qualification criteria.

*RTQ-00310 Catering Services has been established. Departments will proceed with conducting their own invitation to quotes as needed. Insurance will be requested by the Departments from the awarded vendors at the time of competition.*

*Awarded Vendor's Information: Group A-**VENDOR REMOVED FROM CONTRACT (NO LONGER DOING BUSINESS WITH THE COUNTY)***

*Montoya Holdings, Inc. dba Healthy Children Catering  
Contact Information:  
Carlos Montoya  
305-542-2998 – Phone  
305-826-0894 – Fax  
[imontoya@bellsouth.net](mailto:imontoya@bellsouth.net) – Email*

*Awarded Vendor's Information: Group A*

*The ILS Group, LLC dba Classis Caterers  
Contact Information:  
Orlando Monteagudo  
305-262-1292 – Phone  
786-513-8582 – Fax  
[omonteagudo@ilshealth.com](mailto:omonteagudo@ilshealth.com) – Email*

*Awarded Vendor's Information: Group A*

*Greater Miami Caterers, Inc.  
Contact Information:  
John Olmo  
305-633-4616 – Phone  
305-635-5202 – Fax  
[jolmo@gmcater.com](mailto:jolmo@gmcater.com) - Email*

*Awarded Vendor's Information: Group A*

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*South Florida Catering & Events, Inc.*

*Contact Information:*

*Fernando Farias*

*P-305-823-3322*

*F-305-397-0321*

*fernando@sf-catering.com*

*Awarded Vendor's Information: Group B*

*Luxfer Magtech, Inc.*

*Contact Information:*

*Tim Hartlage*

*P-513-772-3066*

*F-513-772-3269*

*thartlage@heatermeals.com*

*Awarded Vendor's Information: Group B*

*MRE Star, LLC*

*Contact Information:*

*Ken Lester*

*P-866-680-6737*

*F-419-735-2124*

*KENLESTER@MRESTAR.COM*

*Addendum #1 acknowledges the establishment of a Federal Compliant Group for the purchase of all goods under said contract.*

*MT's Allocation was increased by \$200,000. In Preparation of an Emergency Situation.*

**THE FOLLOWING VENDORS HAVE BEEN ADDED TO THE CONTRACT:**

*Awarded Vendor's Information: Group A*

*Caffe Cappuccino Inc. dba/ Catering the Event*

*Contact Information:*

*650291894-02*

*Susan Bleemer*

*P-05-593-2233*

*F-305-599-1119*

*[caffe@cateringtheevent.com](mailto:caffe@cateringtheevent.com)*

*Awarded Vendor's Information: Group A*

*Randazzo Catering Inc. dba/ Creative Tastes Catering*

*Contact Information:*

*260770678-01*

*Frank Randazzo*

*P-305-256-8399*

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F-305-256-9868

[frank@creativetastes.com](mailto:frank@creativetastes.com)

*Awarded Vendor's Information: Group A*

*Island On The Grill, LLC*

*Contact Information:*

*473312144-01*

*Myrlande Charles*

*P-305-762-0848*

*F-305-400-8113*

[islandonthegrill@gmail.com](mailto:islandonthegrill@gmail.com)

*Awarded Vendor's Information: Group B-(Easy Meals)*

*OFD Foods LLC*

*Contact Information:*

*4311121507-02*

*Blake Heinrich*

*P-541-967-6510*

*Toll: 218-303-6963*

[Blake.heinrich@ofd.com](mailto:Blake.heinrich@ofd.com)

- The scope of services for this pool is silent relating to emergency response operations; please clarify whether this modification is expanding the scope to add such services, considering the original award value of \$300,000 plus over a million dollars in modifications without a re-procurement. *The Catering Services Pool contract is not being modified to expand the scope of services. Contracts can be modified up to \$1,000,000 requiring the Mayor's approval authority, and dollar thresholds that exceeds \$1,000,000 can be modified requiring Board approval and does not exceed 20%. RTQ-310 is utilized for special events catering as well as for emergency situations.*

*Client departments utilize this contract to provide meals for County employees that are deployed out in the field during and after of a storm, and provide meals to the elderly residents of Miami-Dade County. Additional funds are requested by the client departments during hurricane season each year, to prepare for such emergencies. During Hurricane Irma the following County departments used this contract to provide emergency services: (1) Community Action and Human Services purchased 1,800 ready to eat meals for elderly County residents and clients within the Violence Prevention, and drug and alcohol rehabilitative Services Division; (2) Police purchased \$166,000 worth of meals for their Special Patrol Bureau, Training Institute, Narcotics Bureau, and Agricultural Patrol District staff; and (3) Transit was added to the pool during Hurricane Irma to purchase meals for all divisions due to employees not able to return home. It should be noted that the only way to provide meals to Transit staff was through this pool.*

*The number of employees called to serve the community depends on the level of devastation. During Hurricane Irma, for example, 6,995 meals were ordered for approximately 1,000 employees.*

- If this is an open pool, why was an ITB issued as a mechanism to attract additional local vendors; please provide a copy of the ITB. *The Solicitation was advertised as a Request to Qualify (RTQ) rather than an Invitation to Bid (ITB), therefore, prospective bidders are merely prequalifying in order to be a part of the pool. This is an open pool in which vendors can be added throughout the duration of the contract (see attached RTQ). and lastly*

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- How do the nonlocal vendors (MRE Star, LLC and Luxfer Magtech, Inc.) deliver the catering services across the County. *MRE Star, LLC and Luxfer Magtech, Inc. are under Group B of the pool, which they only provide Meals Ready to Eat (MRE's) and Heater Meals that are prepackaged foods that are delivered via the U.S. postal service.*

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**Item No. 8F13  
File No. 181667**

**Researcher: PGE Reviewer: TD**

RESOLUTION AUTHORIZING AWARD OF A LEGACY CONTRACT FOR THE AUTOMATED FUELING SYSTEM FOR THE INFORMATION TECHNOLOGY DEPARTMENT, CONTRACT NO. L3796-1/25, TO E.J.WARD, INC. FOR AN INITIAL THREE-YEAR TERM PLUS FIVE, ONE-YEAR OPTION TO RENEW TERMS IN A TOTAL AMOUNT NOT TO EXCEED \$2,911,000.00 AND APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT AND TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize award of a legacy contract to E.J. Ward, Inc. for an initial three-year term plus five, one-year options to renew in an amount of up to \$2,911,000 for delivery of upgrades to the automated fueling system for County departments.

**APPLICABLE LEGISLATION/POLICY**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services**

This item was considered at the July 16, 2018 Infrastructure and Utilities Committee meeting and was forwarded to the Board with a favorable recommendation. Commissioner Suarez voted against the item. The following discussion transpired at the committee meeting.

- Commissioner Suarez asked the Administration to define "an automated fueling system for the information technology department;" he also requested clarification on what would be fueled; the type of fuel and whether the Information Technology Department counts the fuel; the Internal Services Department responded that the system is used for ISD-managed facilities, DTPW and Fire; ISD explained that the fuel is dispensed from the County location to the vehicle; the system tracks fuel dispensed for billing purposes; captures real-time vehicle mileage; tracks fuel theft; and collects crucial preventive maintenance data; ISD clarified that ITD maintains the software portion of the system while the hardware is maintained by the departments.

**ANALYSIS**

This item is requesting Board authorization for award of a legacy contract in an amount of up to \$2,909,223 for a term of three years plus five, one-year options to renew to E. J. Ward, Inc. for delivery of upgrades to a fuel management system to support the County's fleet operations. Under the contract, E. J. Ward, Inc. will upgrade its existing software and related hardware at 29 fueling facilities overseen by the Internal Services Department as well as up to five fueling terminals overseen by the Department of Transportation and Public Works. Both departments have a need to update the current system to the new windows platform as the current UNIX operating system is obsolete and will no longer be supported by E. J. Ward. The award is characterized as a legacy purchase because the current system is E. J. Ward's proprietary product, and thus E. J. Ward is the only vendor that can perform a full upgrade from the current software and hardware platforms to the latest W4 solution.

Per the Project Administration module of the County's e-Procurement System, the fiscal impact to the Information Technology Department for the three-year term and five, one-year options to renew is \$2,909,223. Pricing for the fuel management system is inclusive of all software, hardware and services and is broken down as follows:

- \$1,899,445 for the Internal Services Department Fleet Management Division
- \$724,450 for the Fire Rescue Department; and
- \$285,328 for the Department of Transportation and Public Works

The previous contract (SS3796-4/07) was effective on May 1, 2004 and expired on December 31, 2008 for a term of four years and eight months for a cumulative value of \$3,500,000. The yearly allocation under the expired contract was \$750,000 while the yearly allocation under the recommended contract is \$363,652.92.

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The Market Research for this procurement indicates that the initial system was purchased from E. J. Ward, Inc. in 1982 and over the years has been supported by two contracts: #SS3796-1 (Automated Fueling System Maintenance), which was awarded to E. J. Ward, Inc. and expired on December 31, 2008; and #5380-6/14 (OEM Equipment Parts and Service Prequalification), which prequalified multiple vendors and expired on March 31, 2018. It is unclear from the agenda item what contract is currently being used by the County to support the current system.

Under the contract, E. J. Ward will perform the following:

- **Software upgrade:** The County presently operates a custom built version of the E. J. Ward fueling software, which runs on an antiquated IBM AIX server platform. This legacy system communicates to several E. J. Ward fuel control terminals located across the County's fuel islands and runs a custom operating system that allows for secure verification, disbursement, and accounting of fuel usage. The upgrade will be to the latest W4 version at time of installation of the E. J. Ward fuel view software.
- **Hardware upgrade:** The currently installed fuel control terminals will be upgraded to the E. J. Ward FCT-W4 version of fuel control terminals. The W4 software and FCT-W4 terminal upgrade allows the County to continue the use of its existing OBDII W3 CANceiver (vehicle diagnostic reporting technology) and RFID transponders as well as use of the latest W4 CANceiver.
- **Maintenance and Support:** Provide the County service call support on a 24 hour/seven days per week basis. Service requests will be categorized as phone support or site support.
- **Training:** Deliver training for County staff to make users functional and proficient with the software so they can carry out their daily tasks.

The total timeframe of the project has not been fully defined by the County due to infrastructure changes underway at the fuel islands before E. J. Ward approved certified technicians can begin upgrading the existing hardware and software. Current projections: the software upgrade will be completed by the second quarter of 2018 with the fuel island terminal upgrades starting simultaneously with full project completion by summer 2018.

Both the Market Research and the agenda item indicates that it would be cost prohibitive for the County to compete this project despite the availability of competition. The contract's Commodity Code is 20554 (Microcomputers, Handheld, Laptop and Notebook, Environmentally Certified Products). The following SBE-G&S certified firms were found on the Business Management Workforce System under that code:

- Laser Products, Inc.
- Network & Communication Services, Inc.
- Visual Data Solutions, Inc.

**ADDITIONAL INFORMATION**

Per the Market Research, Palm Beach County has been using the Ward fuel management system since 1984. Also, the City of San Antonio awarded an automated fuel management contract to E. J. Ward, Inc.

The Ohio Court of Claims approved a \$1.25 million settlement between the Ohio Department of Transportation and E. J. Ward, Inc. for the company's failure to fulfill its \$6 million contract to install a system to track and improve fuel use by the department's vehicle fleet. The settlement agreement is attached.

<http://www.courtnewsOhio.gov/cases/2015/COC/1104/2014-00405.asp#.W0ekVdGWwdU>

2015 WL 7069377 (Ohio Ct.Cl.) (Trial Order)  
Court of Claims of Ohio.  
Franklin County

OHIO DEPARTMENT OF TRANSPORTATION,

v.

E.J. WARD, Inc.

No. 2014-00405.

October 30, 2015.

**Journal Entry Approving Settlement**

Patrick M. McGrath, Judge.

\*1 The court, being fully advised of the premises, approves and confirms the settlement agreement entered into by and between the parties and ORDERS the cause be DISMISSED with prejudice to all parties. Court costs are assessed against defendant E.J. Ward, Inc. No interest shall be paid on the amount of the settlement.

It is further ORDERED that the settlement warrant of \$1,250,000.00 be drawn on the account of E.J. Ward, Inc., made payable to plaintiff Ohio Department of Transportation and be sent to plaintiff, c/o plaintiffs counsel, William C. Becker and Richard J Silk, Jr., assistant attorneys general, in accordance with the following terms:

1. \$500,000.00 within 30 days of this entry being filed;
2. \$250,000.00 within 60 days after the 1st payment;
3. \$250,000.00 within 60 days of the 2nd payment; and
4. \$250,000.00 within 60 days of the 3rd payment.

The clerk is directed to return the original papers to the Franklin County Court of Common Pleas.

<<signature>>

PATRICK M. MCGRATH

Judge



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**Item No. 8F14**  
**File No. 181541**

**Researcher: IL Reviewer: TD**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY CONTRACT IN THE AMOUNT OF \$424,000.00 FOR THE PURCHASE OF BODY SCANNERS FOR THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should waive formal bid procedures by a two-thirds vote of the Board members present to ratify an emergency contract in the amount of \$424,000 for the purchase of body scanners for the Miami-Dade Corrections and Rehabilitation Department.

**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 Chairperson of the Board of County Commissioners and not the Mayor shall have all authority provided by this Charter or Board to solicit, evaluate, award or recommend the award of such contract including, but not limited to, the authority to recommend a bid waiver in writing.

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

Section 2-8.1 of the County Code outlines *procedures for purchases when competitive procedures are not practicable*, such as purchases of goods and services necessary to address an emergency, or where additional formal competition would not be practicable.

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

Resolution No. R-187-12, adopted by the Board on 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-454-13, adopted by the Board on June 4, 2013, directed the County Mayor to bring emergency contract ratifications to the Board within 120 days of such emergency and bring retroactive contract modifications to the Board within 120 days of modification.

<http://www.miamidade.gov/govaction/matter.asp?matter=131016&file=true&fileAnalysis=false&yearFolder=Y2013>

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

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

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. The Policy

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section of the I.O. explicitly states that “County legislation authorizes the execution of purchases on a bid waiver, sole source or emergency basis.” An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order.

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

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Public Safety and Health Committee at its July 17, 2018 meeting. This is one of the recommendations from the Opioid task force.

**ANALYSIS**

This item is requesting that the Board ratify an emergency acquisition by a two-thirds vote of the Board members in the amount of \$424,000 for the purchase of body scanners for the Miami-Dade Corrections and Rehabilitation Department (MDCR). MDCR is one of several departments that has been tasked to with combating the opioid epidemic plaguing the community. Nationally, opioids, along with other forms of contraband have become the most prevalent form of illicit substance entering jails and prisons. Full body scanners are security screening systems which are used to detect objects, including explosives, chemical and biological agents, radiological and nuclear threats, weapons, narcotics, and contraband that could be concealed under clothing or objects. The Body scanners are intended to prevent dangerous and addictive contraband from entering County detention facilities. Anyone entering the facility to include staff, visitors, and inmates will undergo thorough screening procedures to minimize the introduction of contraband and increase safety.

The MDCR Director declared an emergency on February 9, 2018. A Purchase Order in the amount of \$ \$413,750.00 was issued to OD Security North America, LLC on February 12, 2018. Pursuant to Resolution No. R-454-13, the Administration shall present an emergency purchase to the Board for ratification within 120 days. Here, ratification is being requested 88 days beyond the deadline.

Per the mayoral memorandum, the fiscal impact of this emergency contract is \$424,000. The information seen in BTS on August 28, 2018 shows that \$ 423,750.00 was allocated to the contract’s BPO; \$413,750.00 was released and there’s a balance of \$10,000.00. The General Fund will be utilized as the funding source.

The awardee is OD Security North America, LLC, with principal address 707 Texas Avenue College Station, TX. The awardee does not have a local address. The contract was awarded on February 14 2018 and it is for a term of 84 months scheduled to expire on February 14, 2025. Medical Equipment Solutions Corp., is identified as a potential SBE for “Goods and Services” located in Miami, Florida. According to the Florida Department of State Division of Corporations website (Sunbiz.org), OD Security North America, LLC is not a registered Florida corporation. Other vendors offering this type of equipment are: “L3 Security and Detection Systems” and “Smiths Detection”.

Pursuant to I.O. 3-38 governing emergency purchases, an emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order, including a bid waiver. In the event a department director or authorized designee determines that an emergency purchase is necessary, a contract may be awarded without utilizing the competitive bid procedures regardless of the amount of expenditure. Within five working days after the purchase, the County department shall submit the post award requisition to ISD specifying the circumstances which justified the emergency contract award. When the expenditure is in

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excess of \$250,000, the ISD Director shall forward the documented circumstances to the County Mayor for presentation to the Board of County Commissioners for ratification.

**ADDITIONAL INFORMATION**

Collier County Press Release from 2011 when the Body Scanners were being implemented in that County's corrections system.

<https://www.colliercountyfl.gov/Home/Components/News/News/15736/1098?npage=335&arch=1>

**INPUT FROM THE INTERNAL SERVICES DEPARTMENT**

OCA posed the following questions to ISD. The Department's responses are included below in italics.

- What is the current status of opioids and other contraband in the County's jail and prison system since the implementation of the body scanners/x-ray equipment and drug detection and at what point does the entry of illegal substances necessitate an emergency purchase rather than a competitive procurement;  
*The equipment was operationalized on August 3, 2018 following the purchase, manufacture, delivery, and testing. Given this recent implementation, insufficient time has elapsed in order to assess the direct impact on finding contraband. However, MDCR believes the equipment is having a deterrent effect. The introduction of contraband plagues correctional systems across the nation and poses a direct threat to the safety and security of staff, visitors, inmates, and our facilities in general. Due to a number of serious events that occurred late last year, it was deemed an emergency to immediately identify solutions to minimize the introduction of contraband.*
  
- Why was OD Security North America, LLC selected as the vendor; were other vendors sourced, including the possibility of local vendor participation.  
*Upon the emergency declaration, MDCR conducted market research into the prominent vendors for Body Scanning technology and contacted three major manufacturers in this space. To the best of MDCR's knowledge there are no local manufacturers, however Pemica is a local distributor for one of the non-local manufacturers. MDCR contacted all three vendors and chose to purchase the Body Scanners from OD Security due to several factors including responsiveness, positive referrals, price point as well as the footprint of the units as space is a major constraint in our facilities. Pemica, the local vendor for Smiths Detection, has previously provided x-ray machines in MDCR facilities with success and was selected to make an additional purchase of the same equipment for consistency and continuity of operations.*

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**Item No. 8F15  
File No. 181533**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; RATIFYING AN EMERGENCY CONTRACT IN THE AMOUNT OF \$364,000.00 FOR THE PURCHASE OF X-RAY EQUIPMENT AND DRUG DETECTION DEVICES FOR THE MIAMI-DADE CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should waive formal bid procedures by a two-thirds vote of the Board members present, and ratify an emergency contract in the amount of \$364,000 for the purchase of x-ray equipment and drug detection devices for the Miami-Dade Corrections and Rehabilitation Department.

**APPLICABLE LEGISLATION/POLICY**

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

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

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

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

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

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

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

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

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

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Public Safety and Health Committee at its July 17, 2018 meeting.

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**ANALYSIS**

The proposed resolution is for the waiver of formal bid procedures by a two-thirds vote of the Board members present, and ratification of an emergency contract in the amount of \$364,000 for the purchase of x-ray equipment and drug detection devices for the Miami-Dade Corrections and Rehabilitation Department. The emergency, declared on May 17, 2018, involved addressing security concerns related to the opioid epidemic at the Metro West Detention Center, Pretrial Detention Center, and the Turner Guilford Knight Correctional Center. The fiscal impact of the emergency contract is \$364,000, with the funding source being the General Fund.

Opioids have become the most prevalent form of contraband being smuggled into jails and prisons, and this emergency procurement addresses this issue. The emergency contract award was for the purchase of two x-ray machines and eight narcotics detectors.

The awarded vendor, Pemica, Inc. is a local active Florida profit corporation employing nine Miami-Dade County residents, comprising 56% of its workforce.

**ADDITIONAL INFORMATION**

***Pemica, Inc.***

<http://www.pemica.us/>

***What is the U.S. Opioid Epidemic?***

<https://www.hhs.gov/opioids/about-the-epidemic/index.html>

**INPUT FROM THE INTERNAL SERVICES DEPARTMENT**

OCA posed the following questions to the Internal Services Department on August 21, 2018, which are currently pending response:

- What is the current status of opioids and other contraband in the County's jail and prison system since the implementation of the x-ray equipment and drug detection and at what point does the entry of illegal substances necessitate an emergency purchase rather than a competitive procurement;  
*The equipment was operationalized on August 3, 2018 following the purchase, manufacture, delivery, and testing. Given this recent implementation, insufficient time has elapsed in order to assess the direct impact on finding contraband. However, MDCR believes the equipment is having a deterrent effect. The introduction of contraband plagues correctional systems across the nation and poses a direct threat to the safety and security of staff, visitors, inmates, and our facilities in general. Due to a number of serious events that occurred late last year, it was deemed an emergency to immediately identify solutions to minimize the introduction of contraband.*
- Please provide a copy of the justification/input documents signed by the MDCR Director, authorizing the emergency acquisitions;  
*ISD provided an email from the MDCR Director. Included in the email was the following justification for the emergency purchase:  
As a correctional institution, the security of Miami-Dade Corrections and Rehabilitation Department detention facilities is paramount to the safety of our employees. The introduction of contraband into our jails poses as an immediate security threat to our facilities, and to the safety of employees and inmates. We conducted a benchmark study of other comparable agencies to review current jail industry efforts regarding the reduction of contraband. MDCR has determined that the use of drug detection devices and x-ray equipment in correctional institutions is an industry best practice.*

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*Based on this information and in light of recent events, MDCR is requesting an emergency purchase of drug detection devices and x-ray equipment to ensure that inmates, staff, and visitors undergo thorough screening procedures to minimize the introduction of contraband and increase safety at all our facilities.*

- Why was Pemica, Inc. selected as the vendor; were other vendors sourced, increasing the possibility of local vendor participation?

*Upon the emergency declaration, MDCR conducted market research into the prominent vendors for Body Scanning technology and contacted three major manufacturers in this space. To the best of MDCR's knowledge there are no local manufacturers, however Pemica is a local distributor for one of the non-local manufacturers. MDCR contacted all three vendors and chose to purchase the Body Scanners from OD Security due to several factors including responsiveness, positive referrals, price point as well as the footprint of the units as space is a major constraint in our facilities. Pemica, the local vendor for Smiths Detection, has previously provided x-ray machines in MDCR facilities with success and was selected to make an additional purchase of the same equipment for consistency and continuity of operations.*

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**Item No. 8F16  
File No. 181820**

**Researcher: PGE Reviewer: TD**

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00634 FOR PURCHASE OF JANITORIAL SUPPLIES AND RELATED ITEMS FOR VARIOUS DEPARTMENTS IN A TOTAL AMOUNT NOT TO EXCEED \$9,552,000.00 FOR THE FIVE-YEAR TERM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDER TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE AND IMPLEMENTING ORDER 3-38

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize award of a contract for purchase of janitorial supplies and related items for various County departments in a total amount not to exceed \$9,002,000 for a five-year term.

**APPLICABLE LEGISLATION/POLICY**

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

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

Section 29-124 of the County Code sets forth the role of the Citizens' Independent Transportation Trust and provides that where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars unless the Trust has submitted a recommendation to the County Commission regarding said contract award. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a majority vote. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[https://library.municode.com/fl/miami - dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

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

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

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

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

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

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

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

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

Resolution No. R-841-06, adopted by the Board on July 6, 2006, directs the County Mayor to seek approval for award of successor contracts or extensions of existing contracts at least 30 days prior to contract expiration.

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

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

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

Resolution No. R-702-05, adopted by the Board on June 7, 2005, directs the County Mayor to implement the recommendations of the County Resource Conservation Committee and establishes policies and guidelines to further waste reduction, recycling and environmentally preferable purchasing activities.

<http://intra/gia/matter.asp?matter=051401&file=true&yearFolder=Y2005>

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

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

**PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

**Department/Requester:** Internal Services

This item was considered at the July 16, 2018 Government Operations Committee and was forwarded to the Board with a favorable recommendation as amended. The item was amended to reduce the DTPW allocation amount from \$1,900,000 to \$1,350,000, thereby reducing the total fiscal impact for the five-year term from \$9,552,000 to \$9,002,000. Commissioner Moss asked what accounted for the reduced allocation. The CAO responded that DTPW needs less money than is stated in the item.

**ANALYSIS**

This item is requesting Board authorization to approve a replacement contract for janitorial supplies and related items for various County departments for a value of \$9,002,000 for five years. Public Housing and Community Development and Parks, Recreation and Open Spaces are the biggest user departments under the contract. Per the solicitation, the contract has three groups: (1) Non Federally-Funded Purchases; (2) Federally-Funded Purchases; and (3) Prequalification of Vendors. Note that a SBE set-aside applies to Group 1. The prequalification group will be utilized to purchase products not listed in the solicitation.



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To address certain environmental and health concerns associated with the use of cleaning products, the procured products under this contract shall meet minimum standards established by Green Seal.

The fiscal impact for the five-year term is \$9,002,000 and is based on anticipated needs. The current contract (9592-0/17) is valued at \$10,198,500 for a term of five years and six months. Based on a review of the current contract's Blanket Purchase Order (BPO) as seen in BTS on August 15, 2018, \$10,198,060 was allocated to the contract's BPO, of which \$8,765,077.55 has been released, leaving a balance of \$1,432,982.45. The current contract term was extended administratively from the original expiration date of March 19, 2013 to September 30, 2018. The annual allocation under the replacement contract is \$1,800,400 while the annual allocation under the current contract is approximately \$1,854,273.

There are over 200 line items to be awarded under Group 1 and over 60 to be awarded under Group 2. The award table attached to the item does not specify the line item the awardee is being recommended for. The following is a bulleted list of the representative items purchased under this contract:

- General all-purpose cleaners
- Detergents
- Deodorizers
- Disinfectants
- Powdered laundry detergent
- Scouring powder
- Bleach
- Degreasers
- Glass cleaners
- Floor cleaners, strippers and polishes
- Wood cleaner
- Graffiti remover
- Toilet bowl cleaners
- Urinal screens
- Hand sanitizers
- Soap dispensers
- Toilet paper
- Brooms, brushes and mops
- Buckets, carts and waste receptacles
- Plastic bags
- Insecticides and pesticides

Twenty-four bids were received in response to the solicitation, including two "No Bids." Of the 16 vendors recommended for award, 12 are local vendors and 11 are certified small business enterprises. Of the 16 recommended awardees, three are incumbents from the current contract: (1) Glocecol, LLC; (2) Central Poly-Bag Corp; and (3) District Healthcare & Janitorial Supply, Inc.

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**Item No. 8F17**  
**File No. 181044**

**Researcher: PGE Reviewer: TD**

RESOLUTION AUTHORIZING THE APPOINTMENT OF BARCLAYS CAPITAL, INC.; CITIGROUP GLOBAL MARKETS, INC.; GOLDMAN SACHS CO. LLC; J.P. MORGAN BROKER-DEALER HOLDINGS, INC., D/B/A J.P. MORGAN SECURITIES LLC; MERRILL LYNCH, PIERCE, FENNER & SMITH INCORPORATED; MORGAN STANLEY DOMESTIC HOLDINGS, INC D/B/A MORGAN STANLEY & COMPANY, LLC; PNC CAPITAL MARKETS, LLC; RAYMOND JAMES & ASSOCIATES, INC.; RBC CAPITAL MARKETS; STIFEL, NICOLAUS & CO., INC.; UBS FINANCIAL SERVICES, INC.; WELLS FARGO SECURITIES, LLC TO SEGMENT 1; JANNEY MONTGOMERY SCOTT LLC; LOOP CAPITAL MARKETS LLC; ROBERT W. BAIRD & CO. INCORPORATED; SAMUEL A. RAMIREZ & CO., INC.; SIEBERT CISNEROS SHANK & CO., LLC.; UMB FINANCIAL SERVICES, INC. TO SEGMENT 2; AND BLAYLOCK VAN, LLC; DREXEL HAMILTON, LLC; ESTRADA HINOJOSA & COMPANY, INC.; MISCHLER FINANCIAL GROUP, INC.; RICE SECURITIES, LLC, D/B/A RICE FINANCIAL PRODUCTS COMPANY; STERN BROTHERS & CO. TO SEGMENT 3 OF THE MUNICIPAL BOND UNDERWRITING POOL FOR NEGOTIATED TRANSACTIONS RFQ NO. 00652

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the establishment of a municipal bond underwriting pool for the Finance Department for a five-year term with a value of \$1,000,000.

**APPLICABLE LEGISLATION/POLICY**

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

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

Section 2-10.6 of the County Code sets forth the County's policy relating to competitive bidding for County bond transactions.

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.6COBIREALCOBOTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.6COBIREALCOBOTR)

Section 2-8.4 of the County Code governs any protest made by a participant in any competitive process utilized for selection of a person or other entity to construct any public improvement, to provide any supplies, materials or services or to lease any County property.

[https://library.municode.com/fl/miami -  
\\_dade county/codes/code of ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.4PRPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.4PRPR)

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

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

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

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

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

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

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

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

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

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

Resolution No. R-746-17, adopted by the Board on July 18, 2017, approved the rejection of all bids received in response to Request for Qualifications No. 00397 for a municipal bond underwriting pool for the Finance Department.

<http://intra/gia/matter.asp?matter=171590&file=true&yearFolder=Y2017>

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

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

Implementing Order No. 3-21 establishes the requirements and procedures governing a bid protest brought by a participant in any competitive process utilized for selection of a person or other entity to construct any public improvement, to provide any supplies, materials or services or to lease any County property. The IO covers those professional services selections funded by the Federal Transit Administration.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-21.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Internal Services**

The item was submitted for the June 2018 Committee Cycle but was removed due to a protest of the award recommendation that was filed by Jefferies, LLC, one of the proposers, on April 30, 2018. The protest was heard by a Hearing Examiner on June 8, 2018. Lastly, the item was on the July 24, 2018 Board meeting agenda and was deferred.

**ANALYSIS**

This item is requesting Board authorization to approve the establishment of a pool for municipal bond underwriting services for the Finance Department for a five-year term for a value of \$1,000,000. It is anticipated that the pool value will be

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\$1,000,000, depending on the commissions from the assigned bond contracts. The funding source is Bond Proceeds. The former pool (#RFQ751) was effective from May 13, 2011 to May 12, 2016 and valued at \$1,000,000.

The County issued a competitive Request for Qualifications on October 3, 2017 to obtain proposals from qualified firms for inclusion in the municipal bond underwriting pool. The purpose of the pool is for participating firms to serve as Senior Manager, Co-Senior Manager and Co-Managers for the County's negotiated bond transactions on a non-exclusive, as-needed basis. Bonds include, but are not limited to, general obligation, special obligation and revenue for the County's enterprise operations, including the Aviation, PortMiami, Transportation and Public Works, Water and Sewer and Solid Waste Management departments. All proposers shall be registered broker/dealers with the applicable state agency. The pool members may serve as Senior Manager, Co-Senior Manager and Co-Manager on a rotational basis of their respective team as determined by the Mayor's Finance Committee.

The pool shall consist of not more than 24 firms selected for three segments: (1) 12 national firms with a Capital before Haircut greater than or equal to \$350,000,000; (2) six regional firms with a Capital before Haircut greater than or equal to \$5,000,000 and less than \$350,000,000; and (3) six small business firms with a Capital before Haircut greater than or equal to \$250,000 and less than \$10,000,000. Each firm shall submit Line 3640 (Capital before Haircut) of its Focus Report to the County upon each filing of the underwriting firm's Focus Report, and at the very least, every six months.

Per the mayoral memorandum, 34 vendors responded to the solicitation, of which 15 are local firms. A review of the vendor tables shows that 17 of the 24 recommended firms have a local address. Moreover, 12 of the recommended vendors were prequalified under the prior pool for these services.

Jefferies, LLC protested the non-responsiveness decision of the County Attorney's Office for its failure to submit its proposal by deadline through BidSync as required by the solicitation. The issue was referred to a Hearing Examiner who determined: (1) that the County did not act in any way that would qualify as arbitrary, capricious, fraudulent or illegal; (2) that the County has the right to make the determination regarding responsiveness; and (3) that Jefferies was ultimately responsible for its late submission. See the Supplement to this Agenda Item, File No. 181736.

Note that the Batter's Box is for firms that responded to the RFQ but were not selected for the pool; these firms shall fill any vacancy that may occur on one of the teams. Here, there are eight firms not selected in any of the segments that have been placed in the batter's box.

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**Item No. 8F18  
File No. 181958**

**Researcher: JFP Reviewer: TD**

RESOLUTION RATIFYING ACTIONS OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO CAPITAL IMPROVEMENT CONTRACTS, PURSUANT TO THE ECONOMIC STIMULUS ORDINANCE, SECTION 2-8.2.7 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, SPECIFICALLY, CONTRACT AWARDS TO: (1) ALLEGUEZ ARCHITECTURE, INC. FOR PROFESSIONAL ARCHITECTURAL AND ENGINEERING DESIGN SERVICES FOR FIRE RESCUE STATION NO. 68 IN AN AMOUNT NOT TO EXCEED \$398,846.00; AND (2) ATKINS NORTH AMERICA, INC., HDR ENGINEERING, INC., AND T.Y. LIN INTERNATIONAL FOR GENERAL CIVIL ENGINEERING SERVICES IN AN AMOUNT NOT TO EXCEED \$5,513,750.00 FOR EACH CONTRACT; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should ratify the below actions related to capital improvement contracts as authorized by the Economic Stimulus Ordinance:

- (1) Alleguez Architecture, Inc. for professional architectural and engineering design services for Fire Rescue Station No. 68 – Dolphin, located at 11091 NW 17 Street, Doral, Florida in an amount not to exceed \$398,846.00; and
- (2) Atkins North America, Inc., HDR Engineering, Inc., and T.Y. Lin International for general civil engineering services in an amount not to exceed \$5,513,750.00 for each contract.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.2.7 of the Miami-Dade County Code, also known as the Economic Stimulus Plan (ESP) Program provides an expedited process to award certain contracts related to certain capital development projects with the express purpose of stimulating the local economy.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.7ECSTOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.7ECSTOR)

Ordinance No. 08-92, adopted July 17, 2008, also known as the Economic Stimulus Ordinance, establishes measures to stimulate the local economy through the Economic Stimulus Plan (ESP). Additionally, it authorizes the Mayor to advertise for bids, receive and award bids, appoint professional selection committees, and award contracts subject to ratification by the Board.

<http://intra/gia/matter.asp?matter=082311&file=false&yearFolder=Y2008>

Resolution R-348-17, adopted on April 4, 2017, adds certain capital projects to the approved list of Economic Stimulus Projects pursuant to the County's Economic Stimulus Plan.

<http://intra/gia/matter.asp?matter=162928&file=true&yearFolder=Y2016>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The proposed resolution has no procedural history.

**BCC Meeting: September 5, 2018**  
**Research Notes**

**ANALYSIS**

The proposed resolution ratifies actions taken pursuant to the Economic Stimulus Ordinance. The purpose of the Economic Stimulus Plan Program as authorized under Section 2-8.2.7 of the Miami-Dade County Code is to expedite competitively-awarded construction contracts and professional service agreements associated with funded capital improvement projects, in effect reducing approval timelines by 90 to 120 days.

The first award recommendation to be ratified is a Professional Service Agreement for the Fire Rescue Department for Design Services for Station No. 68 (Dolphin) to Alleguez Architecture, Inc. in the amount of \$398,846 for professional architectural and engineering design services, preparation of complete construction plans, and permitting and construction management services to include master planning of Fire Rescue Station No. 68, located at 11091 NW 17 Street, Doral, Florida. The Mayoral Memorandum states in Exhibit A that the PSA's fiscal impact is \$200,000. The disparity from the contract award amount of \$398,846 is unclear. Fire impact fees will serve as the funding source for this contract, spanning five years. Alleguez Architecture, Inc., a local firm with 25 years of experience, was one of seven proposals received.

The second award recommendation to be ratified—Professional Services Agreement for the Miami-Dade Aviation Department for General Civil Engineering Services—involves three separate, but identical, contract awards in the amount of \$5,513,750 each for professional and engineering design services, to rehabilitate and improve the aprons, taxiways and underground utilities terminal-wide—including demolition, repair, foundations, bridges, utility relocations, fueling, canal culvert, passenger loading bridges and appurtenances. The project locations are as follows: Miami International Airport (MIA), Miami Homestead General Aviation Airport, Miami Executive Airport, Miami-Opa Locka Executive Airport, and Dade-Collier Training and Transition Airport. The contract period is six years.

According to the Florida Department of State Division of Corporations website (Sunbiz.org), the contract award recipients, Atkins North America, Inc., HDR Engineering, Inc., and T.Y. Lin International, are all active corporations registered to do business in Florida. While the Contract Award Recommendation Memoranda included in the Mayoral Memorandum indicate local company addresses for each of the firms, it is unclear whether the firms meet the criteria to be considered local under the Local Preference Ordinance, as Sunbiz.org shows HDR Engineering, Inc. and T.Y. Lin International to be Foreign Profit Corporations with out-of-state principal addresses, and Atkins North America to be a Florida Profit Corporation with its principal address in Tampa, Florida.

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 8I1  
File No. 181659**

**Researcher: MF Reviewer: TD**

RESOLUTION RETROACTIVELY APPROVING A MEMORANDUM OF UNDERSTANDING AND COST REIMBURSEMENT AGREEMENT WITH THE UNITED STATES POSTAL INSPECTION SERVICE RELATING TO PARTICIPATION IN THE IDENTITY THEFT AND ECONOMIC CRIMES TASK FORCE; RETROACTIVELY AUTHORIZING THE ACTION OF THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE IN EXECUTING THE MEMORANDUM OF UNDERSTANDING AND COST REIMBURSEMENT AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXERCISE THE CANCELLATION AND OTHER PROVISIONS CONTAINED THEREIN AND TO EXECUTE EXTENSIONS OF THE MEMORANDUM OF UNDERSTANDING AND COST REIMBURSEMENT AGREEMENT FOR UP TO 10 YEARS

**ISSUE/REQUESTED ACTION**

Whether the Board should retroactively approve a Memorandum of Understanding (MOU) and Cost Reimbursement Agreement with the United States Postal Inspection Service relating to the participation of the Miami-Dade Police Department in the Identity Theft and Economic Crimes Task Force; retroactively authorize the action of the County Mayor in executing the MOU and Cost Reimbursement Agreement; and authorize the County Mayor to exercise the cancellation and other provisions contained therein to execute extensions of the MOU and Cost Reimbursement Agreement for up to 10 years.

**APPLICABLE LEGISLATION/POLICY**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: Sally A. Heyman, District 4  
Department/Requester: Miami-Dade Police Department**

The proposed resolution was considered at the July 17, 2018 Public Safety and Health Committee meeting; and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed resolution seeks the Board's retroactive approval of a Memorandum of Understanding (MOU) and Cost Reimbursement Agreement with the United States Postal Inspection Service (USPIS) relating to the participation of the Miami-Dade Police Department in the Identity Theft and Economic Crimes Task Force.

The MOU for the Identity Theft and Economic Crimes Task Force will be valid for a period of two years. It establishes a joint cooperative law enforcement effort with the USPIS and Miami-Dade County, through the MDPD, to investigate criminal offenses of fraud (such as mail, wire and bank), identity theft, mail theft, embezzlement schemes, and related criminal offenses committed within the Southern District of Florida (Broward and Miami-Dade Counties). The objectives of the Task Force are as follows:

- To provide a coordinated response to identity theft and financial crimes, with an emphasis on organized criminal activity, fraud recidivists, and violent criminals;
- To link and associate isolated financial crimes and related complaints with larger schemes and related criminal activity;
- To educate victims and the general public about all aspects of identity theft and counterfeit securities; and
- To deter future identity theft crimes through an enhanced awareness of criminal penalties, successful prosecution of violent criminals engaged in financial crimes and a proactive approach by the law enforcement community.

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**Research Notes**

The proposed resolution also seeks the Board's retroactive authorization for the County Mayor to execute the MOU and Cost Reimbursement Agreement. The Cost reimbursement Agreement establishes the policies and procedures regarding reimbursement for MDPD officers assigned to the Task Force. This Agreement is retroactive because it has been in effect for Fiscal Year 2017-18, through September 30, 2018. It allows for reimbursement to Miami-Dade County in accordance with federal legislative budget authority. According to the Fiscal Impact Statement, the USPIS will reimburse the MDPD for an amount not to exceed \$15,000 per individual Task Force member to work overtime while participating in investigative operations of the Task Force.

Finally, the proposed resolution seeks the Board's authorization for the County Mayor to exercise the cancellation and other provisions contained therein to execute extensions of the MOU and Cost Reimbursement Agreement for up to 10 years.

The Task Force will convene primarily at the USPIS Miami Division Headquarters located at 3400 Lakeside Drive, 6<sup>th</sup> Floor, Miramar, FL 33027. No agencies are expected to devote full-time resources to this Task Force; rather, the Task Force members are meant to collaborate on cases together, meet to share information and intelligence, discuss on-going investigations, and act as the clearinghouse for new complaints and information.



**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 8K1  
File No. 181664**

**Researcher: MF Reviewer: TD**

RESOLUTION APPROVING PROPOSED FUNDING RECOMMENDATIONS FOR UP TO \$2,500,000.00 FOR THE FISCAL YEAR 2017 OPA-LOCKA MAGNOLIA NORTH DOCUMENTARY STAMP SURTAX (SURTAX FUNDS) REQUEST FOR APPLICATIONS (RFA); APPROVING THE SURTAX FUNDS FOR CONTINUED USE IN THE MAGNOLIA NORTH AREA AS THOSE FUNDS ARE REPAID; WAIVING CERTAIN REQUIREMENTS OF THE RFA; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO NEGOTIATE WITH CAZO CONSTRUCTION CORP. AND PALMETTO HOMES OF MIAMI, INC. (APPLICANTS) FOR THE AWARD OF THE SURTAX FUNDS TO ONE OR BOTH OF THE APPLICANTS, TO EXECUTE ALL LETTERS OF COMMITMENT, SHELL LOAN DOCUMENTS AND OTHER AGREEMENTS AND TO EXERCISE THE CANCELLATION AND OTHER PROVISIONS CONTAINED THEREIN, TO SUBORDINATE AND/OR MODIFY THE TERMS OF CONTRACTS, AGREEMENTS, AMENDMENTS AND LOAN DOCUMENTS AND TO EXERCISE THE TERMINATION, WAIVER, ACCELERATION, OR OTHER PROVISIONS SET FORTH THEREIN, AND TO RESCIND THE AWARD OF THE SURTAX FUNDS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH HEREIN

**ISSUE/REQUESTED ACTION**

The proposed resolution recommends that the Board

- Approve the proposed funding recommendations for up to \$2,500,000 for the FY 2017 Opa Locka Magnolia North Documentary Stamp Surtax Request for Applications;
- Approve the funds for continued use in the Magnolia North area as those funds are repaid;
- Waive the requirements in the Request for Applications, including the scoring of the applicants, and authorize the County Mayor to negotiate with two of the four respondents to the RFA, Cazo Construction Corp, and Palmetto Homes of Miami, Inc.;
- Authorize the County Mayor to award up to \$2,500,000 in FY 2017 Surtax funding to be divided between the applicants in the event the County Mayor's negotiations with such entities are successful; or alternatively, in the event the County Mayor is only able to successfully negotiate with one of the applicants, then authorize the County Mayor to award up to \$2,500,000 in FY 2017 Surtax funds to such applicant; and
- Authorize the County Mayor to rescind the award of the Surtax funds in the event all of the conditions set forth in the attached resolution are not met.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes, Section 125.379(2), prescribes the County's authority as to the County properties identified as affordable housing.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

Florida Statutes, Section 125.411, relates to deeds of conveyance of lands.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.411&URL=0100-0199/0125/Sections/0125.411.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html)

Florida Statutes, Section 125.379(1), requires each County to prepare an inventory list at least every three years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

**BCC Meeting: September 5, 2018**  
**Research Notes**

Miami-Dade County Code, Section 17-121, relates to the Infill Housing Initiative Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVIIIINHOIN\\_S17-121TIPU](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIINHOIN_S17-121TIPU)

Implementing Order No. 3-44 establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County, whereby the procedures are established to carry out the goals of the Infill Program.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

Resolution No. R-376-11, adopted on May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

Resolution No. R-64-14, adopted by the Board on January 22, 2014, authorized the County Mayor and Miami-Dade Housing Finance Authority to negotiate a ground lease with developers competitively selected by Miami-Dade Housing Finance Authority for the purpose of developing certain properties in the City of Opa-Locka for veterans or other special needs persons, subject to the United States Department of Housing and Urban Development's and the Board's final approval.

<http://intra/gia/matter.asp?matter=140026&file=true&yearFolder=Y2014>

The Public Housing and Community Development Department oversees the Infill Housing Initiative Program and has developed guidelines for the administration of the program. The guidelines summarize the infill development process and requirements to be followed by developers.

<http://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

### **PROCEDURAL HISTORY**

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

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

The proposed resolution was considered at the July 17, 2018 meeting of the Housing and Social Services Committee; and was forwarded to the BCC with a favorable recommendation.

### **ANALYSIS**

The proposed resolution seeks the Board's approval of the proposed funding recommendations for up to \$2,500,000 for the FY 2017 Opa Locka Magnolia North Documentary Stamp Surtax Request for the development of multi-family rental housing and Homeownership Units on 18 parcels of County-owned land totaling 2.19 acres. The parcels include eleven former public housing sites and seven parcels designated for Infill Housing development.

According to the Fiscal Impact Statement, the award of Surtax funds will not have a negative fiscal impact on the County's General Fund.

Located north of State Road 9, south of NW 151<sup>st</sup> Street, and east of NW 22<sup>nd</sup> Avenue, the Magnolia North area is within the Opa Locka Neighborhood Revitalization Strategic Area (NRSA). Over the years, the County has attempted a number of times, unsuccessfully, to revitalize this area.

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**Research Notes**

On September 29, 2017, the Public Housing and Community Development Department (PHCD) issued a Request for Applications (RFA) to provide Surtax funds and County-owned land to successful applicants who were in a position to develop multi-family rental housing and homeownership units within the area. Four applications were submitted in response to this RFA from Cazo Construction Corporation; Hala Fashions Properties, LLC; Magnolia North Community Garden, LLC; and Palmetto Homes of Miami, Inc. The department reviewed the applications and determined that none of the four applicants met the threshold requirements. Nevertheless, staff believes that two of the applicants have demonstrated that they would be capable to develop the properties, as these two applicants have a recent history with PHCD and have demonstrated the ability and experience to successfully develop the properties with a minimum of 12 new affordable housing units consisting of single-family homes and/or duplexes, with the potential for multi-family housing development.

Therefore, the proposed resolution seeks the Board's approval to waive the requirements in the RFA, including the scoring of the applicants, and authorize the County Mayor to negotiate with two of the four respondents to the RFA, Cazo Construction Corp, and Palmetto Homes of Miami, Inc.

Further, the proposed resolution seeks the Board's authorization for the County Mayor to award up to \$2,500,000 in FY 2017 Surtax funding to be divided between the applicants in the event the County Mayor's negotiations are successful; or alternatively, in the event that the negotiations are successful only with one of the applicants, then authorize the County Mayor to award up to \$2,500,000 in FY 2017 Surtax funds to such applicant.

The proposed resolution also seeks the Board's approval of the funds for continued use in the Magnolia North area as those funds are repaid.

Finally, the proposed resolution seeks the Board's authorization for the County Mayor to rescind the award of the Surtax funds in the event all of the conditions set forth in the attached resolution are not met.

**ADDITIONAL INFORMATION**

Under Sections 201.02 and 201.031 of the Florida Statutes, certain counties are authorized to levy a surtax on documents that transfer interest in Florida real property. In 1984, the County exercised this authority to establish a Housing Assistance Loan Trust Fund and implemented the Documentary Surtax Program. This program benefits very low to moderate-income families. Very low-income families have incomes of 50 percent or less than the median area income. Low-income families are those households with incomes of 80 percent or less of median area income. Moderate-income families have incomes greater than 80 percent, but less than 140 percent of median area income.

<http://www.miamidade.gov/housing/surtax.asp>

Infill Housing Homebuyer Requirements can be found at the below link:

<http://www.miamidade.gov/housing/infill-housing-homebuyers.asp>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Cazo Construction Corp, has an active status as a Florida Profit Corporation and first filed and registered on June 6, 1979. The principal address is registered as 3461 SW 8<sup>th</sup> Street, Miami, FL 33135. Its registered agent is Armando Cazo, 3461 SW 8<sup>th</sup> Street, Miami, FL 33135.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Palmetto Homes of Miami, Inc., has an active status as a Florida Profit Corporation and first filed and registered on March 5, 1996. The principal

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address is registered as 4952 NW 7<sup>th</sup> Ave., Miami, FL 33127. Its registered agent is Lundy, Ariovistus, 4952 NW 7<sup>th</sup> Ave., Miami, FL 33127.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

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Research Notes**

**Item No. 8K2  
File No. 181525**

**Researcher: IL Reviewer: TD**

RESOLUTION APPROVING PROPOSED FISCAL YEAR 2018 STATE HOUSING INITIATIVES PARTNERSHIP FUNDING RECOMMENDATIONS IN AN AMOUNT UP TO \$675,000.00, FOR HOMEBUYER EDUCATION AND COUNSELING SERVICES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO AWARD SUCH FUNDS, TO EXECUTE AMENDMENTS, SHELL CONTRACTS, LOAN DOCUMENTS AND OTHER TRANSACTIONAL DOCUMENTS NECESSARY TO ACCOMPLISH THE PURPOSES SET FORTH IN THIS RESOLUTION, AND TO EXERCISE TERMINATION, WAIVER, ACCELERATION AND OTHER PROVISIONS SET FORTH THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the proposed Fiscal Year 2018 State Housing Initiatives Partnership (SHIP) funding recommendations in an amount up to \$675,000 for homebuyer education and counseling services.

**APPLICABLE LEGISLATION/POLICY**

Chapter 420.9072 of the Florida Statutes, governing The State Housing Initiatives Partnership Program, is created for the purpose of providing funds to counties and eligible municipalities as an incentive for the creation of local housing partnerships, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing, and to increase housing-related employment.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0400-0499/0420/Sections/0420.9072.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0420/Sections/0420.9072.html)

Rule 67-37.007(10) of the Florida Administrative Code, governs the review of the Local Housing Assistance Plans and Amendments. The legislature has made a number of changes to the SHIP program through statutory revision. The changes include requirements to expend at least 20% of funds on Households with Special Needs, expanded use of funds for rental assistance, changes to compliance requirements for rental developments, and changes in the requirements related to the composition of the local affordable housing advisory committee. Local housing distribution funds and other funds deposited into the local housing assistance trust fund must be used for housing production and finance activities, including: financing preconstruction activities, financing the purchase of existing units, providing rental housing, and providing home ownership training or counseling to prospective home buyers and owners of homes assisted through the local housing assistance plan

<https://www.flrules.org/gateway/ruleNo.asp?id=67-37.002>

Section 17-103 of the County Code, governing the Administration and implementation of Miami-Dade County's Local Housing Assistance Program. The Housing Finance Authority of Miami-Dade County, Office of Community and Economic Development ("OCED"), Miami-Dade Housing Agency ("MDHA") shall be responsible for implementation and administration of the Local Housing Assistance Program. At a minimum, the Housing Finance Authority of Miami-Dade County, OCED, or Miami-Dade Housing Agency shall be responsible for Overseeing the receipt and expenditure of SHIP Program and other housing program funds assigned by the County Manager in accordance with applicable guidelines including the State Housing Initiatives Partnership Act and the Miami-Dade County Affordable Housing Program Guidelines; The cost of administering Miami-Dade County's Local Housing Assistance Program with SHIP Program funds shall not exceed ten (10) percent of the local housing distribution of SHIP Program funds deposited into the Local Housing Assistance Trust Fund.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVILOHOASPR\\_S17-103ADIMMIDECOLOHOASPR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH17HO_ARTVILOHOASPR_S17-103ADIMMIDECOLOHOASPR)

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**Research Notes**

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

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

Resolution No. R-630-13, adopted by the Board on July 16, 2013, approved language requiring a detailed project budget, sources and uses statement, certifications as to past defaults on agreements with non-County funding sources, and due diligence check prior to the County Mayor recommending a commitment of County funds to social services, economic development, community development and affordable housing agencies and providers.

<http://www.miamidade.gov/govaction/matter.asp?matter=131512&file=false&fileAnalysis=false&yearFolder=Y2013>

Resolution No. R-110-10, adopted by the Board on February 2, 2010, amended the FY 2010 action plan by allocating and awarding \$200,000 in SHIP funds for the provision of homebuyer counseling and education services.

<http://www.miamidade.gov/govaction/matter.asp?matter=093380&file=true&fileAnalysis=false&yearFolder=Y2009>

**PROCEDURAL HISTORY**

**Prime Sponsor: Housing and Social Services Committee**

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

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Housing and Social Services Committee at its July 17, 2018 meeting. Prior to passage, the following discussion transpired:

Commissioner Martinez: Where exactly geographically are the education and counseling services provided?

PHCD (Clarence Brown): The office (Experts Resource Community Center, located at 610 N.W. 183 Street Suite #202) is in the Miami Gardens area. There is an office (Trinity) in the Southside of the County (District 8), and the Opa Locka CDC is in the Opa Locka area.

PHCD (Clarence Brown): states that unspent funds remaining, after this process is concluded, plans to go back out with another RFA four Housing counseling to make sure the coverage necessary is achieved.

Commissioner Martinez – If you go through our area you see a lot of homes that were in foreclosure, and different issues like that.

Commissioner Martinez: Why aren't there any offices in other areas such as West Kendall, or predominantly Hispanic areas?

PHCD (Clarence Brown): There is still money in the budget and [PHCD] can include there to be an effort to open an office in the West Kendall Area.

Commissioner Martinez: Large Hispanic areas are always ignored when it comes to the provision of these services; everyone should be able to access these services.

Commissioner Martinez advised PHCD Director, Michael Liu, to make the program equitable and fair and he would move the item.

**ANALYSIS**

The proposed resolution approves funding for the SHIP program in an amount of up to \$675,000.00 for homebuyer education and counseling services. Public Housing and Community Development requested applications, with submittals due on May 4, 2018, for FY 2018. Four applicants were reviewed by an evaluation/selection committee appointed by the Mayor. Three out of the four applicants scored above the minimum score of 70 points. Three agencies are recommended to receive funding. Of the three recommended awardees, three received awards for the program during FY 2017. The RFA requires applicants to be qualified U.S. HUD agencies.

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There is no fiscal impact to the County's General Fund as SHIP funds will cover program costs. Up to \$900,000 is available for FY 2018 SHIP for the homebuyer education and counseling services category. Of that sum, a total of \$675,000 is recommended to be awarded. The social impact of this item will be the outreach program delivering homebuyer education and counseling services, which is slated to be countywide. Four applicants were verified in the Division of Corporations Sunbiz website, and the applicants were active and registered in Florida.

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

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

The Counseling services offered by Miami-Dade County's SHIP Local Housing Assistance Plan addresses the housing needs of the very low, low and moderate income households, to expand production of and preserve affordable housing, to further the housing element of the local government comprehensive plan specific to affordable housing.

The table below shows the recommended awardees, their HUD approval status, recommended funds, sunbiz registration status and address, including commission district.

<b>Recommended Awardees</b>	<b>HUD Approval Status</b>	<b>Recommended Funds</b>	<b>Sunbiz Registration Status and address</b>	<b>Commission District</b>
The Experts Resource & Community Center, Inc.	Not Approved	\$250,000.00	<b>Sunbiz Status:</b> Active <b>Address:</b> 610 NW 183rd St Suite 202 Miami Gardens, Fl 33169	Commission District 1
Trinity Empowerment Consortium, Inc	Approved	\$225,000.00	<b>Sunbiz Status:</b> Active <b>Address:</b> 18142 SW 97th Ave Palmetto Bay, Florida 33157-5501	Commission District 8
Opa Locka Community Development Corporation	Approved	\$200,000.00	<b>Sunbiz Status:</b> Active <b>Address:</b> 490 Opa Locka Blvd Opa Locka, Florida 33054-3563	Commission District 1

Below is a list of current locations for the FY-2017 fiscal year and the services provided:

Opa-locka Community Development Corporation, Inc.

Provide homebuyer counseling services, education and training to a minimum of 120 low-to-moderate income persons/families in District 1 and Opa-Locka NRSA.

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490 Opa-locka Boulevard, Opa-locka, FL 33054

Neighborhood Housing Services of South Florida, Inc.

Provide homebuyer counseling services, education and training to a minimum of 80 low-to-moderate income persons/families countywide.

300 NW 12th Avenue, Miami, FL 33128-1019

Trinity Empowerment Consortium, Inc.

Provide homebuyer counseling services, education and training to a minimum of 100 low-to-moderate income persons/families in the Goulds, Leisure City/Naranja, and West Little River NRSAs

15260 SW 280th Street, Suite 206, Homestead, FL 33032

Miami Beach Community Development Corporation

Provide Homebuyer counseling and education services to a minimum of 133 low-to-moderate income residents with follow-up one-on-one counseling session with a certified housing counselor in preparation for becoming a homeowner.

945 Pennsylvania Avenue, 2nd Floor, Miami Beach, FL 33139-5482

Centro Campesino Farmworkers Center, Inc.

Provide Homebuyer counseling and education services to a minimum of 133 low-to-moderate income residents with follow-up one-on-one counseling session with a certified housing counselor in preparation for becoming a homeowner.

35801 SW 186th Avenue, Miami, FL 33034

**ADDITIONAL INFORMATION.**

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

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

Experts Resource Community Center, Inc. (ERCC) Provides monthly workshops, one-on-one counseling sessions, outreach events and collaborative partnerships.

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

The Trinity Empowerment Consortium **provides comprehensive pre and post homebuyer education and financial literacy education.**

<http://trinityempowers.org/>

OLCDC counseling staff will provide a comprehensive work plan (budget, spending plan, credit counseling, and affordability study) tailored to the individual's specific needs to prepare the client to become mortgage ready. The work plan will assist the homebuyer through the stages of mortgage readiness

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

Resolution No. R-110-10, adopted by the Board on May 2, 2017, was included as precedent on SHIP funding for FY2010

<http://www.miamidade.gov/govaction/matter.asp?matter=093380&file=true&fileAnalysis=false&yearFolder=Y2009>

**DEPARTMENTAL INPUT**

OCA posed the following questions to the Public Housing and Community Development. The answers have been italicized.



**BCC Meeting: September 5, 2018**  
**Research Notes**

- Which of the FY 2017 homebuyer counseling providers are being recommended for FY 2018; include the performance history of those providers;  
*All three agencies were funded in FY-2017. FY 2017*
- Clarify the award term, from contract award inception to expiration;  
*It is just for one Calendar year starting January 1, 2018 through December 31, 2018*
- The FY 2018 available funding is \$900,000; the total award amount being requested for approval is \$675,000; what happens to the remaining \$225,000.  
*Another RFA may be issued depending on the direction the Director of PHCD wants to take.*

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 8L1  
File No. 181641**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING HISTORIC PRESERVATION AD VALOREM TAX EXEMPTION FOR THE REHABILITATION OF 7320 BISCAYNE BOULEVARD, MIAMI, FLORIDA, PURSUANT TO SECTION 196.1997, FLORIDA STATUTES, AND SECTION 16A-18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DIRECTING THE MAYOR OR DESIGNEE TO EXECUTE AND RECORD COVENANT; AND AUTHORIZING MAYOR OR DESIGNEE TO EXERCISE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

The proposed resolution authorizes the historic preservation Ad Valorem Tax Exemption for the rehabilitation of 7320 Biscayne Boulevard, Miami, Florida in Commission District 3.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes Section 196.1997 (Ad valorem tax exemptions for historic properties) states that the board of county commissioners of any county or the governing authority of any municipality may adopt an ordinance to allow ad valorem tax exemptions (under s. 3, Art. VII of the State Constitution) to historic properties if the owners are engaging in the restoration, rehabilitation, or renovation of such properties in accordance with guidelines established in this section.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=196.1997&URL=0100-0199/0196/Sections/0196.1997.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=196.1997&URL=0100-0199/0196/Sections/0196.1997.html)

Section 16 of the Code of Miami-Dade County declares as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archaeological, paleontological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the County.

Section 16A-18 of the Code of Miami-Dade County states:

- a) Scope of tax exemptions. A method is hereby created for the Board of County Commissioners, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to one hundred (100) percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this ordinance. The exemption applies only to taxes levied by Metropolitan Miami-Dade County.
- b) Duration of tax exemptions. Any exemption granted under this section to a particular property shall remain in effect for ten (10) years. The Board of County Commissioners shall have the discretion to set a lesser term if requested by the property owner in its original application and covenant. The term of the exemption shall be specified in the resolution approving the exemption.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH16AHIPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH16AHIPR)

R-974-09, adopted by the Board July 21, 2009, directs that any resolution authorizing the execution of instruments creating a county interest in real property shall require such instruments to be recorded in County public records and attached by the clerk of the Board to the authorizing resolution

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

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Research Notes**

**PROCEDURAL HISTORY**

**Prime Sponsor: Vice Chairwoman Audrey M. Edmonson**  
**Requester/Department: Regulatory and Economic Resources**

This proposed resolution was forwarded to the BCC with a favorable recommendation by the Government Operations Committee at its July 16, 2018 committee meeting.

**ANALYSIS**

The proposed resolution authorizes the historic preservation Ad Valorem Tax Exemption for the rehabilitation of property in Commission District 3. The Ad-Valorem Tax Exemption is a financial incentive that is intended to encourage the rehabilitation and maintenance of historic properties. At the focus of this resolution is a 3,373 sq. ft. historic commercial property originally constructed in 1953, located at 7320 Biscayne Boulevard, Miami, Florida (photo below).



In 2006, the City of Miami designated the property as a contributing structure in the City of Miami MiMo Biscayne Historic District, deeming it to have architectural significance. The current property owner, Trifecta 7320 Biscayne LLC, seeks ad valorem tax exemption pursuant to Section 196.1997 Florida Statutes and Section 16A-18 of the Code of Miami-Dade County for the following restoration work:

- complete interior and exterior renovation;
- installation of historically appropriate impact-resistant windows and doors;
- removal of non-historic features;
- restoration of the façade;
- installation of metal cladding over historic eyebrow;
- replacement of roof;
- installation of French drains to prevent flooding; and
- site improvements.

The table below details the amount spent by the property owner on the renovation, and the applicable taxable value and corresponding exemption.

<b>Costs of Total Renovation (amount spent by property owner)</b>	<b>Amount Attributed to Work on the Historic Structure</b>	<b>Taxable Value of the Qualifying Improvements (as determined by the Property Appraiser's office)</b>	<b>Estimated ad valorem Tax Exemption (for one year; Countywide operating taxes only)</b>
\$468,500	\$413,200	\$1,273,783	\$5,945

The proposed exemption of \$5,945 is not for the entire assessed value of the property; the tax exemptions are calculated based on the value of the renovations to the historic property, and only apply to the countywide portion of the property's tax bill.

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The annual value of the tax exemption during the ten-year period may fluctuate based on adjustments to either the countywide operating millage or the Property Appraiser's taxable value of the qualifying improvements to the property.

The tax exemption would run for 10 years beginning on January 1<sup>st</sup> of the year that the Property Appraiser prepares and signs the revenue implication form, which for this property began on January 1, 2017 and would end on December 31, 2026. Upon conclusion of the ten-year incentive period, the County will once again assess and collect the countywide operating millage on the full value of the property.

The property owner has met all criteria in order for a tax exemption to be allowed, as set forth by the Florida Department of State, Division of Historical Resources, including:

- Certification that the property has been designated historic by the applicable preservation board;
- Certification that the property has received approval for the improvements by the applicable presentation board; and
- A determination that the planned improvements are consistent with the Secretary of the Interior's Standards for Rehabilitation.

The Miami-Dade County Historic Preservation Board voted to approve the Ad Valorem Tax Exemption for the subject property on October 18, 2017, taking into account the satisfaction of the above requirements.

**INPUT FROM REGULATORY AND ECONOMIC RESOURCES**

RER provided the below information in response to OCA's request of the department to provide information on the properties granted Ad Valorem Tax Exemption for restoration of historic properties over the last five years.

Based on the below information, OCA calculated the total estimated tax exemption amounts granted for restoration of historic properties since 2013 to be \$1,059,211 (for the initial year of each granted exemption). The annual amount of ad valorem taxes to be exempted for the ten-year period in each instance of granted exemption is determined by applying the countywide operating millage against the taxable value of the qualifying improvements to the property and is therefore variable.

**Ad Valorem Tax Exemptions Granted (2013-Present)**

**2013**

Address	City	BCC Approval Date	Estimated Tax Exemption (one year)
4441 Collins Avenue	Miami Beach	11/5/2013	\$389,626
1137 Asturia Avenue	Coral Gables	12/3/2013	\$217
4320 Santa Maria Street	Coral Gables	12/3/2013	\$1,717
1256 Castile Avenue	Coral Gables	12/3/2013	\$3,725
<b>TOTAL:</b>			<b>\$395,285</b>

**2014**

Address	City	BCC Approval Date	Estimated Tax Exemption (one year)
2421 San Domingo Street	Coral Gables	5/6/2014	\$1,725
1020 Ocean Drive	Miami Beach	10/7/2014	\$15,774
<b>TOTAL:</b>			<b>\$17,499</b>

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**2015**

Address	City	BCC Approval Date	Estimated Tax Exemption (one year)
2723 Country Club Prado	Coral Gables	9/1/2015	\$1,872
1021 Alhambra Circle	Coral Gables	9/1/2015	\$1,108
<b>TOTAL:</b>			<b>\$2,980</b>

**2016**

Address	City	BCC Approval Date	Estimated Tax Exemption (one year)
940 Ocean Drive	Miami Beach	11/1/2016	\$48,277
350 Ocean Drive	Miami Beach	11/1/2016	\$8,687
2901 Collins Avenue	Miami Beach	11/1/2016	\$295,982
6261 Collins Avenue	Miami Beach	11/1/2016	\$40,201
<b>TOTAL:</b>			<b>\$393,147</b>

**2017**

Address	City	BCC Approval Date	Estimated Tax Exemption (one year)
3201 Collins Avenue	Miami Beach	1/24/2017	\$143,348
2622 Country Club Prado	Coral Gables	2/7/2017	\$1,603
814 Coral Way	Coral Gables	3/7/2017	\$2,961
641 San Lorenzo Avenue	Coral Gables	4/4/2017	\$3,437
1029 Milan Avenue	Coral Gables	11/7/2017	\$397
1203 Asturia Avenue	Coral Gables	11/7/2017	\$2,539
7301 Biscayne Boulevard	Miami	11/7/2017	\$8,418
428 NE 73 Street	Miami	11/7/2017	\$447
<b>TOTAL:</b>			<b>\$163,150</b>

**2018**

Address	City	BCC Approval Date	Estimated Tax Exemption (one year)
318 20 <sup>th</sup> Street	Miami Beach	1/23/2018	\$21,843
5240 North Bay Road	Miami Beach	2/6/2018	\$2,402
4245 North Meridian Avenue	Miami Beach	2/6/2018	\$2,453
1125 North Greenway Drive	Coral Gables	2/6/2018	\$1,035
1254 Coral Way	Coral Gables	2/6/2018	\$1,174
239 Sarto Avenue	Coral Gables	3/6/2018	\$411
4041 Collins Avenue	Miami Beach	7/10/2018	\$57,832
<b>TOTAL:</b>			<b>\$87,150</b>

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Research Notes**

**Item No. 8N1  
File No. 181615**

**Researcher: IL Reviewer: TD**

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 2 FOR IMPROVEMENTS TO NW 58 STREET FROM NW 97 AVENUE TO THE PALMETTO EXPRESSWAY, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE, BY NEGOTIATION, DONATION, RIGHT-OF-WAY DESIGNATION PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUES WHICHEVER IS THE HIGHER OF THE TWO, TOGETHER WITH REASONABLE ATTORNEYS AND COSTS PURSUANT TO SECTIONS 73.091 AND 73.092, FLORIDA STATUTES, OR BY EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO MAKE AN ADDITIONAL INCENTIVE OFFER TO PURCHASE PARCEL 2 IN A TOTAL AMOUNT NOT TO EXCEED 15 PERCENT OVER THE APPRAISED VALUE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the acquisition of Parcel 2 in fee simple for the public purpose of improvements to N.W. 58 Street, from N.W. 97 Avenue to the Palmetto Expressway (Project), for a purchase price to be established by appraisals or tax assessed values whichever is higher, including an additional incentive offer of up to 15 percent over the appraised value, or alternatively, acquiring the parcel via eminent domain proceedings.

**APPLICABLE LEGISLATION/POLICY**

Chapter 73 of the Florida Statutes, governing Eminent Domain, states that if an entity to which the power of eminent domain is delegated files a petition of condemnation on or after the effective date of this section regarding a parcel of real property in this state, ownership or control of property acquired pursuant to such petition may not be conveyed by the condemning authority or any other entity to a natural person or private entity, by lease or otherwise, except that ownership or control of property acquired pursuant to such petition may be conveyed, by lease or otherwise, to a natural person or private entity for use as a road or other right-of-way or means that is open to the public for transportation, whether at no charge or by toll.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0000-0099/0073/0073ContentsIndex.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0073/0073ContentsIndex.html)

Chapter 74 of the Florida Statutes, governing Eminent Domain Proceedings (Supplemental), states that in any eminent domain action, properly instituted by and in the name of any county, may avail itself of the provisions of this chapter to take possession and title in advance of the entry of final judgment.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0000-0099/0074/0074ContentsIndex.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0074/0074ContentsIndex.html)

Chapter 125 of the Florida Statutes, governing County Government, states that the legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to: perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0125/0125ContentsIndex.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/0125ContentsIndex.html)

Chapter 127 of the Florida Statutes, governing the Right of Eminent Domain to Counties, states that each county of the state is delegated authority to exercise the right and power of eminent domain; that is, the right to appropriate property, except state or federal, for any county purpose. The absolute fee simple title to all property so taken and acquired shall vest in such

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**Research Notes**

county unless the county seeks to condemn a particular right or estate in such property. Each county is further authorized to exercise the eminent domain power granted to the Department of Transportation by s. 337.27(1), the transportation corridor protection provisions of s. 337.273, and the right of entry onto property pursuant to s. 337.274.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0127/0127ContentsIndex.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0127/0127ContentsIndex.html)

Section 1.01 (A) (1), (2) and (21) of the County Charter, Governing Board of County Commission - The Board of County Commissioners shall be the legislative and the governing body of the county. The County shall have the power to carry on a central metropolitan government. The Board's powers shall include but shall not be restricted to the powers to: (1) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; provide and regulate parking facilities; and develop and enforce master plans for the control of traffic and parking. (2) Provide and operate air, water, rail, and bus terminals, port facilities, and public transportation systems. (21) Exercise all powers and privileges granted to municipalities, counties, and county officers by the Constitution and laws of the state, and all powers not prohibited by the Constitution or by this Charter.

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

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

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=091900&file=true&fileAnalysis=false&yearFolder=Y2009>

Resolution No. R-520-17, adopted by the Board on May 2, 2017, declared the acquisition of the designated property known as parcel 16 for the west district wastewater treatment plant, to be a public necessity; authorized the County Mayor and the county attorney to take any and all appropriate actions to accomplish acquisition of the subject property in fee simple, by negotiation, donation, purchase at values established by appraisals or tax assessed values, whichever is the higher of the two, and authorizing the County Mayor to make an additional incentive offer to purchase parcel 16 prior to the filing of an eminent domain action in a total amount not to exceed fifteen percent over the appraised value, together with reasonable attorneys' fees, expert fees, business damages, and costs pursuant to sections 73.091 and 73.092, Florida Statutes, or by eminent domain court proceedings as necessary.

<http://www.miamidade.gov/govaction/matter.asp?matter=170716&file=true&fileAnalysis=false&yearFolder=Y2017>

**PROCEDURAL HISTORY**

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

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

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Transportation and Public Works Committee at its July 18, 2018 meeting.

**BCC Meeting: September 5, 2018**  
**Research Notes**

**ANALYSIS**

This item is requesting approval for the acquisition of Parcel 2 in fee simple as a public necessity for road widening, beautification, and right-of-way improvements to N.W. 58 Street, from N.W. 97 Avenue (to the West) to the Palmetto Expressway (to the East). The purchase price is to be established by appraisals or tax assessed value whichever is higher or through eminent domain court proceedings if a purchase price cannot be negotiated. The resolution is also seeking authorization for the County Mayor to issue an incentive offer for a total not to exceed 15 percent over the appraised value together with reasonable attorney fees to facilitate the acquisition.

This acquisition is one of three separate parcels needed by the Department of Transportation and Public Works (DTPW) for the road widening project. The parcels are not contiguous and all of the parcels are located in District 12, which is represented by Commissioner Diaz. The other acquisitions are also before the Board for approval on this September 5, 2018 agenda (see File Nos. 181615 and 181618).

The parcel, owned by “Lucky 88 Inc.,” encompasses 119,783 square feet of which 1,322 square feet will be purchased. The lot is currently comprised of commercial buildings (see google map picture below). No demolition is expected to take place after acquisition. However, should there be an impact on the existing commercial buildings, DTPW is responsible for curing the conditions of the structure. The DTPW is improving and expanding the road in order to improve mobility, roadway capacity and alleviate traffic congestion. The total cost of the project (inclusive of construction and right-of-way acquisition of all parcels) is \$13,283,851.04. The funding sources being used for this project are as follows: Charter County Transit System, Non-County Contributions and People's Transportation Plan Bond and Charter County Transit System Surtax, People's Transportation Plan Bond Program and Road Impact Fees.

**Parcel 2**





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**Research Notes**

**ADDITIONAL INFORMATION**

***People's Transportation Plan***

The Peoples Transportation Plan (PTP) fund is intended to be used for roadway projects that will facilitate the movement of traffic and people in the upcoming years. Improving transportation throughout Miami-Dade County is one of the major goals of the PTP. This information is included because under Project No. 2000000537 of the FY2017-2018 Adopted Budget Book, volume 2, one of the funding sources listed is the "People's Transportation Plan Bond Program."

<https://www.miamidade.gov/publicworks/peoples-transportation.asp>

***Charter County Transit System Surtax***

Section 212.055(1), F.S., creates the Charter County and Regional Transportation System Surtax, authorizing certain counties to establish a sales surtax of up to one-percent for specified transportation purposes. While 31 counties are eligible to levy the surtax, it is only levied in Duval and Miami-Dade Counties, both at the rate of one-half percent. This information is included because under Project No. 2000000537 of the FY2017-2018 Adopted Budget Book, volume 2, one of the funding sources listed is the "Charter County Transit System Surtax."

<https://www.flsenate.gov/Session/Bill/2018/243/Analyses/h0243a.TIS.PDF>

Resolution No. R-520-17, adopted by the Board on May 2, 2017, was included as precedent (see Applicable Legislation/Policy Section above) on a similar matter offering a 15 percent incentive to acquire property, concerning the Miami-Dade Water and Sewer Department.

<http://www.miamidade.gov/govaction/matter.asp?matter=170716&file=true&fileAnalysis=false&yearFolder=Y2017>

**INPUT FROM DTPW**

OCA posed the following questions to DTPW. The answers have been italicized.

- Why is this project a public necessity?  
*Because improvements to NW 58 St. will alleviate traffic congestion and will help improve traffic mobility in this heavily congested area of Doral. These improvements would not be possible without the purchase of the identified parcels. Although the project is in the City of Doral, the commuters of all Dade County that traverse this portion of the County will benefit.*
- How many other similar projects are in the vicinity?  
*Other projects in the area include:  
NW 97 Ave from 58 St. to 70 St  
NW 97 Ave from 52 St. to 58 St*
- What's the project timeline?  
*The anticipated begin of construction is 04/01/2020 and end of construction by 04/01/2022.*
- How will delivery of the project be administered (e.g., competitive selection)?  
*Competitive Selection*
- Is a funding source breakdown of the \$13.28 million readily available?  
*The total cost of the project (inclusive of construction and right-of-way acquisition of all parcels) is estimated at \$13,283,851.04. Funding for the construction is within the Arterial Roads - Countywide (2000000538) / Site 77230 – Reconstruct NW 58 Street from NW 97 Avenue to SR 826) for projects in RIF District 1, and for the right-of-way acquisition is within the Rights-of-Way Acquisition - Countywide (2000000537) / Site 3000015 – Right-of-Way*

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*Acquisition for projects in RIF District 1. Funding is programmed within the adopted FY 2017-18 multiyear capital plan.*

- Is there an M.O.T. plan for this project?

*This is typically produced at the Construction stage of the project, the project has not reached that part of the process.*

- What was the acquisition cost based on?

*Based on comparable sells in the area.*

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**Research Notes**

**Item No. 8N2**  
**File No. 181617**

**Researcher: IL Reviewer: TD**

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 3 FOR IMPROVEMENTS TO NW 58 STREET FROM NW 97 AVENUE TO THE PALMETTO EXPRESSWAY, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE, BY NEGOTIATION, DONATION, RIGHT-OF-WAY DESIGNATION PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUES WHICHEVER IS THE HIGHER OF THE TWO, TOGETHER WITH REASONABLE ATTORNEYS AND COSTS PURSUANT TO SECTIONS 73.091 AND 73.092, FLORIDA STATUTES, OR BY EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO MAKE AN ADDITIONAL INCENTIVE OFFER TO PURCHASE PARCEL 3 IN A TOTAL AMOUNT NOT TO EXCEED 15 PERCENT OVER THE APPRAISED VALUE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the acquisition of Parcel 3 in fee simple for the public purpose of improvements to N.W. 58 Street, from N.W. 97 Avenue to the Palmetto Expressway (Project), for a purchase price to be established by appraisals or tax assessed values whichever is higher, including an additional incentive offer of up to 15 percent over the appraised value, or alternatively, acquiring the parcel via eminent domain proceedings.

**APPLICABLE LEGISLATION/POLICY**

Chapter 73 of the Florida Statutes, governing Eminent Domain, states that if an entity to which the power of eminent domain is delegated files a petition of condemnation on or after the effective date of this section regarding a parcel of real property in this state, ownership or control of property acquired pursuant to such petition may not be conveyed by the condemning authority or any other entity to a natural person or private entity, by lease or otherwise, except that ownership or control of property acquired pursuant to such petition may be conveyed, by lease or otherwise, to a natural person or private entity for use as a road or other right-of-way or means that is open to the public for transportation, whether at no charge or by toll.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0000-0099/0073/0073ContentsIndex.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0073/0073ContentsIndex.html)

Chapter 74 of the Florida Statutes, governing Eminent Domain Proceedings (Supplemental), states that in any eminent domain action, properly instituted by and in the name of any county, may avail itself of the provisions of this chapter to take possession and title in advance of the entry of final judgment.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0000-0099/0074/0074ContentsIndex.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0074/0074ContentsIndex.html)

Chapter 125 of the Florida Statutes, governing County Government, states that the legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to: perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0125/0125ContentsIndex.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/0125ContentsIndex.html)

Chapter 127 of the Florida Statutes, governing the Right of Eminent Domain to Counties, states that each county of the state is delegated authority to exercise the right and power of eminent domain; that is, the right to appropriate property, except state or federal, for any county purpose. The absolute fee simple title to all property so taken and acquired shall vest in such

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county unless the county seeks to condemn a particular right or estate in such property. Each county is further authorized to exercise the eminent domain power granted to the Department of Transportation by s. 337.27(1), the transportation corridor protection provisions of s. 337.273, and the right of entry onto property pursuant to s. 337.274.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0127/0127ContentsIndex.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0127/0127ContentsIndex.html)

Section 1.01 (A) (1), (2) and (21) of the County Charter, Governing Board of County Commission - The Board of County Commissioners shall be the legislative and the governing body of the county. The County shall have the power to carry on a central metropolitan government. The Board's powers shall include but shall not be restricted to the powers to: (1) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; provide and regulate parking facilities; and develop and enforce master plans for the control of traffic and parking. (2) Provide and operate air, water, rail, and bus terminals, port facilities, and public transportation systems. (21) Exercise all powers and privileges granted to municipalities, counties, and county officers by the Constitution and laws of the state, and all powers not prohibited by the Constitution or by this Charter.

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

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

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=091900&file=true&fileAnalysis=false&yearFolder=Y2009>

Resolution No. R-520-17, adopted by the Board on May 2, 2017, declared the acquisition of the designated property known as parcel 16 for the west district wastewater treatment plant, to be a public necessity; authorized the County Mayor and the county attorney to take any and all appropriate actions to accomplish acquisition of the subject property in fee simple, by negotiation, donation, purchase at values established by appraisals or tax assessed values, whichever is the higher of the two, and authorizing the County Mayor to make an additional incentive offer to purchase parcel 16 prior to the filing of an eminent domain action in a total amount not to exceed fifteen percent over the appraised value, together with reasonable attorneys' fees, expert fees, business damages, and costs pursuant to sections 73.091 and 73.092, Florida Statutes, or by eminent domain court proceedings as necessary.

<http://www.miamidade.gov/govaction/matter.asp?matter=170716&file=true&fileAnalysis=false&yearFolder=Y2017>

**PROCEDURAL HISTORY**

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

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

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Transportation and Public Works Committee at its July 18, 2018 meeting.

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**ANALYSIS**

This item is requesting approval for the acquisition of Parcel 3 in fee simple as a public necessity for road widening, beautification, and right-of-way improvements to N.W. 58 Street, from N.W. 97 Avenue (to the West) to the Palmetto Expressway (to the East). The purchase price is to be established by appraisals or tax assessed value whichever is higher or through eminent domain court proceedings if a purchase price cannot be negotiated. The resolution is also seeking authorization for the County Mayor to issue an incentive offer for a total not to exceed 15 percent over the appraised value together with reasonable attorney fees to facilitate the acquisition.

This acquisition is one of three separate parcels needed by the Department of Transportation and Public Works (DTPW) for the road widening project. The parcels are not contiguous and all of the parcels are located in District 12, which is represented by Commissioner Diaz. The other acquisitions are also before the Board for approval on this September 5, 2018 agenda (see File Nos. 181615 and 181618).

The parcel, owned by “Florida Power and Light,” encompasses 79,241 square feet of which 1,322 square feet will be purchased. The lot is currently used as a parking lot (see google map picture below) The DTPW is improving and expanding the road in order to improve mobility, roadway capacity and alleviate traffic congestion. The total cost of the project (inclusive of construction and right-of-way acquisition of all parcels) is \$13,283,851.04. The funding sources being used for this project are as follows: Charter County Transit System, Non-County Contributions and People's Transportation Plan Bond and Charter County Transit System Surtax, People's Transportation Plan Bond Program and Road Impact Fees.

**Parcel 3**



**ADDITIONAL INFORMATION**

***People's Transportation Plan***

The Peoples Transportation Plan (PTP) fund is intended to be used for roadway projects that will facilitate the movement of traffic and people in the upcoming years. Improving transportation throughout Miami-Dade County is one of the major goals

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of the PTP. This information is included because under Project No. 2000000537 of the FY2017-2018 Adopted Budget Book, volume 2, one of the funding sources listed is the “People’s Transportation Plan Bond Program.”

<https://www.miamidade.gov/publicworks/peoples-transportation.asp>

***Charter County Transit System Surtax***

Section 212.055(1), F.S., creates the Charter County and Regional Transportation System Surtax, authorizing certain counties to establish a sales surtax of up to one-percent for specified transportation purposes. While 31 counties are eligible to levy the surtax, it is only levied in Duval and Miami-Dade Counties, both at the rate of one-half percent. This information is included because under Project No. 2000000537 of the FY2017-2018 Adopted Budget Book, volume 2, one of the funding sources listed is the “Charter County Transit System Surtax.”

<https://www.flsenate.gov/Session/Bill/2018/243/Analyses/h0243a.TIS.PDF>

Resolution No. R-520-17, adopted by the Board on May 2, 2017, was included as precedent (see Applicable Legislation/Policy Section above) on a similar matter offering a 15 percent incentive to acquire property, concerning the Miami-Dade Water and Sewer Department.

<http://www.miamidade.gov/govaction/matter.asp?matter=170716&file=true&fileAnalysis=false&yearFolder=Y2017>

**INPUT FROM DTPW**

OCA posed the following questions to DTPW. The answers have been italicized.

- Why is this project a public necessity?  
*Because improvements to NW 58 St. will alleviate traffic congestion and will help improve traffic mobility in this heavily congested area of Doral. These improvements would not be possible without the purchase of the identified parcels. Although the project is in the City of Doral, the commuters of all Dade County that traverse this portion of the County will benefit.*
  
- How many other similar projects are in the vicinity?  
*Other projects in the area include:  
NW 97 Ave from 58 St. to 70 St  
NW 97 Ave from 52 St. to 58 St*
  
- What's the project timeline?  
*The anticipated begin of construction is 04/01/2020 and end of construction by 04/01/2022.*
  
- How will delivery of the project be administered (e.g., competitive selection)?  
*Competitive Selection*
  
- Is a funding source breakdown of the \$13.28 million readily available?  
*The total cost of the project (inclusive of construction and right-of-way acquisition of all parcels) is estimated at \$13,283,851.04. Funding for the construction is within the Arterial Roads - Countywide (2000000538) / Site 77230 – Reconstruct NW 58 Street from NW 97 Avenue to SR 826) for projects in RIF District 1, and for the right-of-way acquisition is within the Rights-of-Way Acquisition - Countywide (2000000537) / Site 3000015 – Right-of-Way Acquisition for projects in RIF District 1. Funding is programmed within the adopted FY 2017-18 multiyear capital plan.*
  
- Is there an M.O.T. plan for this project?  
*This is typically produced at the Construction stage of the project, the project has not reached that part of the process.*

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- What was the acquisition cost based on?  
*Based on comparable sells in the area.*

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**Item No. 8N3  
File No. 181618**

**Researcher: IL Reviewer: TD**

RESOLUTION DECLARING THE ACQUISITION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 4 FOR IMPROVEMENTS TO NW 58 STREET FROM NW 97 AVENUE TO THE PALMETTO EXPRESSWAY, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE COUNTY ATTORNEY TO TAKE ANY AND ALL APPROPRIATE ACTIONS TO ACCOMPLISH ACQUISITION OF THE SUBJECT PROPERTY IN FEE SIMPLE, BY NEGOTIATION, DONATION, RIGHT-OF-WAY DESIGNATION PURCHASE AT VALUES ESTABLISHED BY APPRAISALS OR TAX ASSESSED VALUES WHICHEVER IS THE HIGHER OF THE TWO, TOGETHER WITH REASONABLE ATTORNEYS AND COSTS PURSUANT TO SECTIONS 73.091 AND 73.092, FLORIDA STATUTES, OR BY EMINENT DOMAIN COURT PROCEEDINGS INCLUDING DECLARATIONS OF TAKING, AS NECESSARY; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO MAKE AN ADDITIONAL INCENTIVE OFFER TO PURCHASE PARCEL 4 IN A TOTAL AMOUNT NOT TO EXCEED 15 PERCENT OVER THE APPRAISED VALUE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the acquisition of Parcel 4 in fee simple for the public purpose of improvements to N.W. 58 Street, from N.W. 97 Avenue to the Palmetto Expressway (Project), for a purchase price to be established by appraisals or tax assessed values, whichever is higher, including an additional incentive offer of up to 15 percent over the appraised value, or alternatively, acquiring the parcel via eminent domain proceedings.

**APPLICABLE LEGISLATION/POLICY**

Chapter 73 of the Florida Statutes, governing Eminent Domain, states that if an entity to which the power of eminent domain is delegated files a petition of condemnation on or after the effective date of this section regarding a parcel of real property in this state, ownership or control of property acquired pursuant to such petition may not be conveyed by the condemning authority or any other entity to a natural person or private entity, by lease or otherwise, except that ownership or control of property acquired pursuant to such petition may be conveyed, by lease or otherwise, to a natural person or private entity for use as a road or other right-of-way or means that is open to the public for transportation, whether at no charge or by toll.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0000-0099/0073/0073ContentsIndex.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0073/0073ContentsIndex.html)

Chapter 74 of the Florida Statutes, governing Eminent Domain Proceedings (Supplemental), states that in any eminent domain action, properly instituted by and in the name of any county, may avail itself of the provisions of this chapter to take possession and title in advance of the entry of final judgment

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0000-0099/0074/0074ContentsIndex.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0000-0099/0074/0074ContentsIndex.html)

Chapter 125 of the Florida Statutes, governing County Government, states that the legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to: perform any other acts not inconsistent with law, which acts are in the common interest of the people of the county, and exercise all powers and privileges not specifically prohibited by law.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0125/0125ContentsIndex.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0125/0125ContentsIndex.html)

Chapter 127 of the Florida Statutes, governing the Right of Eminent Domain to Counties, states that each county of the state is delegated authority to exercise the right and power of eminent domain; that is, the right to appropriate property, except state or federal, for any county purpose. The absolute fee simple title to all property so taken and acquired shall vest in such



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county unless the county seeks to condemn a particular right or estate in such property. Each county is further authorized to exercise the eminent domain power granted to the Department of Transportation by s. 337.27(1), the transportation corridor protection provisions of s. 337.273, and the right of entry onto property pursuant to s. 337.274.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0127/0127ContentsIndex.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0127/0127ContentsIndex.html)

Section 1.01 (A) (1), (2) and (21) of the County Charter, Governing Board of County Commission - The Board of County Commissioners shall be the legislative and the governing body of the county. The County shall have the power to carry on a central metropolitan government. The Board's powers shall include but shall not be restricted to the powers to: (1) Provide and regulate arterial, toll, and other roads, bridges, tunnels, and related facilities; eliminate grade crossings; provide and regulate parking facilities; and develop and enforce master plans for the control of traffic and parking. (2) Provide and operate air, water, rail, and bus terminals, port facilities, and public transportation systems. (21) Exercise all powers and privileges granted to municipalities, counties, and county officers by the Constitution and laws of the state, and all powers not prohibited by the Constitution or by this Charter.

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

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

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=091900&file=true&fileAnalysis=false&yearFolder=Y2009>

Resolution No. R-520-17, adopted by the Board on May 2, 2017, declared the acquisition of the designated property known as parcel 16 for the west district wastewater treatment plant, to be a public necessity; authorized the County Mayor and the county attorney to take any and all appropriate actions to accomplish acquisition of the subject property in fee simple, by negotiation, donation, purchase at values established by appraisals or tax assessed values, whichever is the higher of the two, and authorizing the County Mayor to make an additional incentive offer to purchase parcel 16 prior to the filing of an eminent domain action in a total amount not to exceed fifteen percent over the appraised value, together with reasonable attorneys' fees, expert fees, business damages, and costs pursuant to sections 73.091 and 73.092, Florida Statutes, or by eminent domain court proceedings as necessary.

<http://www.miamidade.gov/govaction/matter.asp?matter=170716&file=true&fileAnalysis=false&yearFolder=Y2017>

**PROCEDURAL HISTORY**

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

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

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Transportation and Public Works Committee at its July 18, 2018 meeting.

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**ANALYSIS**

This item is requesting approval for the acquisition of Parcel 4 in fee simple as a public necessity for road widening, beautification, and right-of-way improvements to N.W. 58 Street, from N.W. 97 Avenue (to the West) to the Palmetto Expressway (to the East). The purchase price is to be established by appraisals or tax assessed value whichever is higher or through eminent domain court proceedings if a purchase price cannot be negotiated. The resolution is also seeking authorization for the County Mayor to issue an incentive offer for a total not to exceed 15 percent over the appraised value together with reasonable attorney fees to facilitate the acquisition.

This acquisition is one of three separate parcels needed by the Department of Transportation and Public Works (DTPW) for the road widening project. The parcels are not contiguous and all of the parcels are located in District 12, which is represented by Commissioner Diaz. The other acquisitions are also before the Board for approval on this September 5, 2018 agenda (see File Nos. 181615 and 181618).

The parcel, owned by “Property LLC c/o De La Cruz and Cutler LLP,” encompasses 191,228 square feet of which 7,393 square feet will be purchased. The lot is currently vacant and does not have an apparent use (see google map picture below). The DTPW is improving and expanding the road in order to improve mobility, roadway capacity and alleviate traffic congestion. The total cost of the project (inclusive of construction and right-of-way acquisition of all parcels) is \$13,283,851.04. The funding sources being used for this project are as follows: Charter County Transit System, Non-County Contributions and People's Transportation Plan Bond and Charter County Transit System Surtax, People's Transportation Plan Bond Program and Road Impact Fees.

**Parcel 4**



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**ADDITIONAL INFORMATION**

***People's Transportation Plan***

The Peoples Transportation Plan (PTP) fund is intended to be used for roadway projects that will facilitate the movement of traffic and people in the upcoming years. Improving transportation throughout Miami-Dade County is one of the major goals of the PTP. This information is included because under Project No. 2000000537 of the FY2017-2018 Adopted Budget Book, volume 2, one of the funding sources listed is the "People's Transportation Plan Bond Program."

<https://www.miamidade.gov/publicworks/peoples-transportation.asp>

***Charter County Transit System Surtax***

Section 212.055(1), F.S., creates the Charter County and Regional Transportation System Surtax, authorizing certain counties to establish a sales surtax of up to one-percent for specified transportation purposes. While 31 counties are eligible to levy the surtax, it is only levied in Duval and Miami-Dade Counties, both at the rate of one-half percent. This information is included because under Project No. 2000000537 of the FY2017-2018 Adopted Budget Book, volume 2, one of the funding sources listed is the "Charter County Transit System Surtax."

<https://www.flsenate.gov/Session/Bill/2018/243/Analyses/h0243a.TIS.PDF>

Resolution No. R-520-17, adopted by the Board on May 2, 2017, was included as precedent (see Applicable Legislation/Policy Section above) on a similar matter offering a 15 percent incentive to acquire property, concerning the Miami-Dade Water and Sewer Department .

<http://www.miamidade.gov/govaction/matter.asp?matter=170716&file=true&fileAnalysis=false&yearFolder=Y2017>

**INPUT FROM DTPW**

OCA posed the following questions to DTPW. The answers have been italicized.

- Why is this project a public necessity?  
*Because improvements to NW 58 St. will alleviate traffic congestion and will help improve traffic mobility in this heavily congested area of Doral. These improvements would not be possible without the purchase of the identified parcels. Although the project is in the City of Doral, the commuters of all Dade County that traverse this portion of the County will benefit.*
  
- How many other similar projects are in the vicinity?  
*Other projects in the area include:  
NW 97 Ave from 58 St. to 70 St  
NW 97 Ave from 52 St. to 58 St*
  
- What's the project timeline?  
*The anticipated begin of construction is 04/01/2020 and end of construction by 04/01/2022.*
  
- How will delivery of the project be administered (e.g., competitive selection)?  
*Competitive Selection*
  
- Is a funding source breakdown of the \$13.28 million readily available?  
*The total cost of the project (inclusive of construction and right-of-way acquisition of all parcels) is estimated at \$13,283,851.04. Funding for the construction is within the Arterial Roads - Countywide (2000000538) / Site 77230 – Reconstruct NW 58 Street from NW 97 Avenue to SR 826) for projects in RIF District 1, and for the right-of-way acquisition is within the Rights-of-Way Acquisition - Countywide (2000000537) / Site 3000015 – Right-of-Way Acquisition for projects in RIF District 1. Funding is programmed within the adopted FY 2017-18 multiyear capital plan.*

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**Item No. 8N4  
File No. 181403**

**Researcher: LE Reviewer: PGE**

RESOLUTION APPROVING EXECUTION OF A JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF DORAL TO PROVIDE THE CITY OF DORAL WITH FUNDING, NOT TO EXCEED \$561,000.00, TO COMPLETE THE CONSTRUCTION OF TRAFFIC SIGNAL DEVICES AT THE INTERSECTION OF NW 74 STREET AND NW 102 AVENUE, AND AT THE INTERSECTION OF NW 74 STREET AND NW 97 AVENUE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve executing a Joint Participation Agreement between Miami-Dade County and the City of Doral to provide the City of Doral funding, not exceeding \$561,000, to complete construction of traffic signal devices at the intersection of NW 74 Street and NW 102 Avenue, and the intersection of NW 74 Street and NW 97 Avenue.

**APPLICABLE LEGISLATION/POLICY**

23 Code of Federal Regulations, Part 655, Subpart F, the Manual on Uniform Traffic Control Devices for Streets and Highways; the manual defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public travel.

[https://www.ecfr.gov/cgi-bin/text-idx?SID=a2583ef3fa3a41e5b157549f8dd705ab&mc=true&node=pt23.1.655&rgn=div5#se23.1.655\\_1603](https://www.ecfr.gov/cgi-bin/text-idx?SID=a2583ef3fa3a41e5b157549f8dd705ab&mc=true&node=pt23.1.655&rgn=div5#se23.1.655_1603)

Section 30-217 of the Miami-Dade County Code provides that if traffic control devices are not properly positioned or sufficiently visible, obedience to required traffic control devices shall not be enforced.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH30TRMOVE\\_ARTIINGE\\_S30-217OBRETRCODE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH30TRMOVE_ARTIINGE_S30-217OBRETRCODE)

Section 316.0745 of the Florida Statutes provides traffic control devices should be uniform and comply with the American Association of State Highway Officials and the Department of Transportation can call on representatives and local authorities to assist.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=Section+316.0745&URL=0300-0399/0316/Sections/0316.0745.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=Section+316.0745&URL=0300-0399/0316/Sections/0316.0745.html)

Section 255.20 of the Florida Statutes provides for local bids and contracts for public construction works. This section requires a county, municipality or other political subdivision of the state seeking to construct or improve a public building, structure or other public construction works to competitively award the project to an appropriately licensed contractor where the project cost more than \$300,000.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0255/Sections/0255.20.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0255/Sections/0255.20.html)

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Section 2-96.1 of the County Code provides the County exclusive jurisdiction relating to traffic control devices in both the incorporated and unincorporated areas of the County; however, the County Mayor may authorize municipalities which desire and are equipped and able to perform certain traffic engineering functions to assume, together with all liability and without additional cost to the County, through an individual Intergovernmental Agency Agreement, and for local municipal streets only, the installation and maintenance of regulatory and street name signs, warning signs, construction warning signs, markings and barricades, pavement markings, traffic maintenance and traffic calming devices, all as may be specifically provided in the Agreement and subject to performing appropriate traffic engineering studies if required by such Agreement.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXIIITRTRDE\\_S2-96.1JUDEEXTACODEPR](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXIIITRTRDE_S2-96.1JUDEEXTACODEPR)

**PROCEDURAL HISTORY**

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

**Requester/Department: None**

The proposed Resolution was considered at the Transportation and Public Works Committee on July 18, 2018 and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed resolution requests Board approval to execute a Joint Participation Agreement between Miami-Dade County and the City of Doral for the County to provide funding of up to \$561,000 to complete construction of traffic signal devices at the intersection of NW 74 Street and NW 102 Avenue, and the intersection of NW 74 Street and NW 97 Avenue. The proposed traffic light at NW 74<sup>th</sup> Street and NW 102<sup>nd</sup> Avenue intersects a county road and a city road and the proposed traffic light at NW 74<sup>th</sup> Street and NW 97<sup>th</sup> Avenue intersects two county roads. A previous developer contributed a total of \$150,000 for the construction of both traffic signals paid to Miami-Dade County.

If approved, the fiscal impact to the County will be approximately \$561,000 for the installation of both traffic signal devices. The total cost of the project is \$747,000. The amount the County will be responsible for will be funded by previous developer contributions in the amount of \$150,000 and \$411,000 from Road Impact Fee District 1. There are nine Road Impact Fee Districts in the County and they do not correspond with the Commission Districts. The County will also be responsible for operation and maintenance of each of the signals at an annual cost of \$3,923, which is funded by the Department of Transportation and Public Works. The City of Doral will provide the remaining \$186,000 as well as oversee the design and management of the project.

The table provided below shows the total cost breakdown by County, City, and Developer per intersection:

Intersection of NW 74 <sup>th</sup> Street and NW 102 <sup>nd</sup> Avenue					
City’s Share:	Road Impact Fee:	Developer Contributions:	Reimbursement by County to City:	Total Cost:	
\$186,000	\$86,000	\$100,000	\$186,000	\$372,000	
Intersection of NW 74 <sup>th</sup> Street and NW 97 <sup>th</sup> Avenue					
City’s Share:	Road Impact Fee:	Developer Contributions:	Reimbursement by County to City:	Total Cost:	
\$0	\$325,000	\$50,000	\$375,000	\$375,000	
<b>Total Cost of Project: \$747,000</b>					

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**Research Notes**

The DTPW conducted a traffic study at the intersection of NW 74 Street and NW 102 Avenue and the intersection of NW 74 Street and NW 97 Avenue and determined that both intersections qualified for traffic signal installations.

The key duties of the parties under the Joint Participation Agreement are as follows:

- The County will be responsible for the installation, partial funding, operation, and annual maintenance costs. Upon project completion, the County will solely be responsible for the maintenance of the traffic devices.
- The City of Doral will be responsible for the design and required Construction Engineering Inspection services for the traffic control devices, necessary permits and approvals, and construction.

**ADDITIONAL INFORMATION**

The Traffic Signals and Signs Division (TS&S) of the Miami-Dade Transportation and Public Works Department is responsible for traffic-related operations and maintenance. The Miami-Dade County Traffic Control Center (TCC) has one of the country's largest centralized traffic signal control systems.

<http://www.miamidade.gov/publicworks/traffic-signals.asp>

**DEPARTMENTAL INPUT**

OCA posed the following questions to DTPW. The questions are bulleted below and the associated answers have been italicized.

- Pursuant to Resolution No. R-658-17, Econolite Control Products, Inc. was selected through a bid waiver to deliver a similar project. How will the vendor for this project be selected?  
*The project that was awarded to Econolite under R-658-17 is independent and unrelated to this project.*
- Who is the developer that donated a total of \$150,000 to Miami-Dade County for the construction of the traffic signals?  
*This was not a Donation, it was a required signal contribution from Terra Doral Commons, LLC (Plat T-23383).*
- What is the timeline for the commencement and completion of the traffic signals project?  
*This is a City project. The City wants to start as soon as possible, they have a consultant on board and the plans are under review. Scheduling construction activities are pending the execution on this agreement.*
- The agreement has a 2017 date. Will the agreement be retroactive?  
*Normally agreements are based on Execution date.*

**BCC Meeting: September 5, 2018**  
**Research Notes**

**Item No. 8N5**  
**File No. 181460**

**Researcher: MF Reviewer: TD**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 BETWEEN MIAMI-DADE COUNTY AND ARCHER WESTERN CONSTRUCTION, LLC, FOR THE PROJECT ENTITLED TAMIAMI CANAL BRIDGE REPLACEMENT (PROJECT NO. 20140081, FM #416658-1), EXTENDING THE CONTRACT DURATION BY 217 NON-COMPENSABLE CALENDAR DAYS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the County Mayor to execute Change Order No. 1 between Miami-Dade County and Archer Western Construction, LLC, for the project entitled Tamiami Canal Bridge Replacement (Project No. 20140081, FM #416658-1), extending the contract duration by 217 non-compensable calendar days.

**APPLICABLE LEGISLATION/POLICY**

Resolution No. R-337-11, adopted by the Board on May 3, 2011, approved the execution of a Memorandum of Agreement among Miami-Dade County, the Florida Department of Transportation and the City of Miami to jointly participate in the relocation of the existing Tamiami Canal/NW South River Drive Swing Bridge.

<http://intra/gia/matter.asp?matter=110060&file=true&yearFolder=Y2011>

Resolution No. R-29-13, adopted by the Board on January 23, 2013, approved the execution of a Local Agency Program Agreement between Miami-Dade County and the Florida Department of Transportation to provide the County with funding up to \$16,000,000 for the NW South River Drive Bridge over the Tamiami Canal from NW 19<sup>th</sup> Street to NW 32<sup>nd</sup> Avenue.

<http://intra/gia/matter.asp?matter=122315&file=true&yearFolder=Y2012>

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

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

The proposed resolution was considered at the July 18, 2018 Transportation and Public Works Committee meeting; and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The Tamiami Canal Bridge is a Warren Truss Span Type Swing Bridge located on NW South River Drive between NW 19<sup>th</sup> Street and NW 32<sup>nd</sup> Avenue. It is one of the oldest bridges on the Miami River System and was singled-out for inclusion in the National Register of Historic Places. Deterioration over the years from age and impacts from vessels and vehicles has resulted in structural damage. This deterioration has caused restrictions on the allowed loads on the bridge which impacts daily commerce. Additionally, the existing bridge geometry does not allow for the required hydraulic water flow or the anticipated increase in both navigational and vehicular traffic along the Tamiami Canal.

The Florida Department of Transportation (FDOT) undertook a Project Development and Environment (PD&E) Study which determined that the replacement of the existing bridge was necessary to resolve safety concerns, improve hydraulic water flow, and meet future traffic demands. In order to fulfill the requirements of the PD&E study, the FDOT drafted a Memorandum of Agreement for both the City and County to approve.

On May 3, 2011, through the adoption of Resolution No. R-337-11, the Board approved the execution of an MOA among Miami-Dade County, the Florida Department of Transportation and the City of Miami to jointly participate in the relocation of the existing Tamiami Canal/NW South River Drive Swing Bridge, and the construction of a new single leaf bascule bridge

**BCC Meeting: September 5, 2018**  
**Research Notes**

to replace it at the present site. Pursuant to the MOA, the City of Miami was to provide the County the site for relocation of the historic bridge, spanning the South Fork of the Miami River between Fern Isle and Police Benevolent Association Park.

On January 23, 2013, through Resolution No. R-29-13, the Board approved the execution of a Local Agency Program Agreement between Miami-Dade County and the Florida Department of Transportation to provide the County with funding up to \$16,000,000 for the NW South River Drive Bridge over the Tamiami Canal from NW 19<sup>th</sup> Street to NW 32<sup>nd</sup> Avenue.

The proposed resolution seeks the Board's authorization for the County Mayor to execute Change Order No. 1 between Miami-Dade County and Archer Western Construction, LLC, for the project entitled Tamiami Canal Bridge Replacement (Project No. 20140081, FM #416658-1), extending the contract duration by 217 non-compensable calendar days. The Change Order extends the contract time by 217 non-compensable calendar days for the following reasons:

- The contract was delayed by 76 non-compensable calendar days due to necessary modifications to the bridge deck in order to provide direct connections to the main girders at eight locations;
- The contract was delayed by 70 non-compensable calendar days due to necessary revisions to the bascule leaf by adding a longitudinal brace throughout the length of the bridge, cross bracings, studs, counterweights, one additional centering device, and associated connections.
- The contract was delayed by 55 non-compensable calendar days due to revisions to the configuration of the bridge's counterweight box;
- The contract was delayed by five non-compensable calendar days due to modifications to the trunnion anchorage and column reinforcement systems as a result of existing space constraints; and
- The contract was delayed by 11 non-compensable calendar days due to delays resulting from Hurricane Irma.

According to the Fiscal Impact Statement, this project is being funded by the Building Better Communities General Obligation Bond, Road Impact Fees, and Florida Department of Transportation (FDOT) funds. A Local Agency Program Agreement between the County and FDOT was approved under Board Resolution No. R-29-13. This Change Order does not increase the contract amount.

**ADDITIONAL INFORMATION**

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Archer Wester Construction, LLC, has an active status as a Florida Profit Corporation and first filed and registered on 07/20/1987. The principal address is registered as 4310 NW 35<sup>th</sup> Ave., Miami, FL 33142. Its registered agent is Humberto Lorenzo, 4310 NW 35<sup>th</sup> Ave., Miami, FL 33142.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>



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Research Notes**

**Item No. 8N6  
File No. 181592**

**Researcher: MF Reviewer: TD**

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND MIAMI-DADE COUNTY FOR THE PAINTING OF THE TRAFFIC SIGNAL HARDWARE AND SUPPORT SYSTEMS AT THREE INTERSECTIONS WITHIN THE CITY OF MIAMI BEACH; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, SUBJECT TO THE SATISFACTION OF CERTAIN CONDITIONS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the execution of an Intergovernmental Agreement between the City of Miami Beach and Miami-Dade County for painting traffic signal hardware and support systems at three intersections within the City of Miami Beach.

**APPLICABLE LEGISLATION/POLICY**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

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

The proposed resolution was considered at the July 18, 2018 Transportation and Public Works Committee meeting; and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed resolution seeks the Board's authorization to execute an Intergovernmental Agreement between the City of Miami Beach and Miami-Dade County for painting traffic signal hardware and support systems at three intersections within the City of Miami Beach.

The Department of Transportation and Public Works (DTPW) operates and maintains a total of 4,101 traffic control devices, including 2,884 traffic signals. In order to maintain these traffic signal devices, DTPW warehouses and stocks over 13,000 parts. To avoid costly repainting, the County maintains parts in the color provided by the product manufacturer and is approved by the Federal Highway Administration's Manual on Uniform Traffic Control Devices.

This practice allows the County to avoid recurring repainting costs while reducing maintenance costs by servicing and reusing traffic signal equipment deemed in serviceable condition.

The Federal Department of Transportation (FDOT) and the County have determined that the process of painting mast arms results in the steel structures having a lower resistance to corrosion and a reduced replacement cycle. Therefore, FDOT and the County have instituted a requirement that any agency wishing to paint traffic signal mast arms must enter into an agreement with the County memorializing that agency's responsibility for the structures, and the replacement should the mast arms begin to corrode or fail.

The City of Miami Beach requested to paint the traffic signal support systems at three traffic signals along 11<sup>th</sup> Street at the intersections with Meridian Avenue, Euclid Avenue, and Pennsylvania Avenue.

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**Research Notes**

According to the Fiscal Impact Statement, the proposed resolution will not have a fiscal impact for the County, as the City of Miami Beach will be responsible for all installation and recurring operations and maintenance costs.

Under the terms of the proposed agreement between the City of Miami Beach and the County, the City will be allowed to paint the traffic signal mast arms and support systems along 11<sup>th</sup> Street at Meridian Avenue, Euclid Avenue and Pennsylvania Avenue. The painting of the traffic signal mast arms and support systems will be carried out in accordance with FDOT and Miami-Dade County Public Works and Waste Management approved standards, procedures, and material requirements. The City will be responsible for the aesthetics of all the painted traffic signal mast arms and support systems, and will be required to routinely re-paint due to deterioration, graffiti, etc.; and to remove all flyers, stickers, etc. The City will be responsible for the periodic maintenance of every structure painted pursuant to this agreement.

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 8N7  
File No. 181654**

**Researcher: MF Reviewer: TD**

RESOLUTION AUTHORIZING SUPPLEMENTAL AGREEMENT NO. 1 TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN URS CORPORATION SOUTHERN AND MIAMI-DADE COUNTY FOR THE STATE ROAD 836 EXPRESS BUS SERVICE – PARK & RIDE/BUS TERMINAL PROJECT, CONTRACT NUMBER CIP097-CT1-TR14, INCREASING CONTRACT AMOUNT BY \$497,387.00 AND CONTRACT TIME BY 495 CALENDAR DAYS

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize Supplemental Agreement No. 1 to a Professional Services Agreement between URS Corporation Southern and Miami-Dade County for the State Road 836 Express Bus Service – Park and Ride/Bus Terminal Project, which increases the contract amount by \$497,387 and the contract time by 495 calendar days.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code, Section 29-124 governs the uses of surtax proceeds, and the role of the Citizens' Independent Transportation Trust. It states that the surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects ... set forth in Exhibit 1 to this article ... and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in sub-section (d) in this Sections.

<http://miamidade.fl.elaws.us/code/coord-ptiii-ch29-artxvi-sec29-124>

Miami-Dade County Code, Section 2-1421, governs the Citizens' Independent Transportation Trust; powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax.

<http://miamidade.fl.elaws.us/code/coord-ptiii-ch2-artxcvii-sec2-1421>

Resolution No. R-400-16, adopted by the Board on May 17, 2016, awards a Professional Services Agreement with URS Corporation Southern to provide services for State Road 836 Express Bus Service – Park & Ride/Bus Terminal, Contract No. CIP097-CT1-TR14, in an amount not to exceed \$1,273,596.27, and authorizes the use of Charter County Transportation Surtax Funds for such purposes.

<http://intra/gia/matter.asp?matter=160713&file=true&yearFolder=Y2016>

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

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

The proposed resolution was considered at the July 18, 2018 Transportation and Public Works Committee; and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed resolution seeks the Board's authorization for Supplemental Agreement No. 1 to a Professional Services Agreement between URS Corporation Southern and Miami-Dade County for the State Road 836 Express Bus Service – Park and Ride/Bus Terminal Project, which increases the contract amount by \$497,387 and the contract time by 495 calendar days. This amount will be taken from FTA Section 5307/5309. Any unspent portion of the contract ceiling, including the Allowance Account, is to remain with the County.

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**Research Notes**

The “Near-Term Transportation Plan for Miami-Dade County” was developed by the TPO in October 2010 to plan Department of Transportation and Public Works (DTPW) service improvements along transit corridors identified in the People’s Transportation Plan as priorities for the establishment of a successful rail transit system. The project will improve transit services along the East-West corridor to ultimately stimulate transit ridership and support the development of a rail transit system along the East-West Corridor in accordance with the goals included in the Near-Term Transportation Plan.

On May 17, 2016, through Resolution No. R-400-16, this project was approved, and a notice-to-proceed for final design for the Tamiami and Panther Stations was issued on June 16, 2016. Based on the April 2018 project schedule update, the 100 percent design documents are scheduled for completion by August 2018, the Building Department’s dry-run permit process is scheduled for completion by October 2018, and the advertisement for the construction contracts is scheduled for December 2018. Therefore, Supplemental Agreement No. 1 requests approval to exercise the option to retain URS Corporation Southern to perform Design Services during construction, anticipated to begin by November 2018, and avoid potential schedule delays. As such, the Agreement will remain in full force for a period of 2090 days since the execution of the original agreement, which was June 8, 2016, or until depletion of the funds allocated to pay for the cost of services.

The major tasks for Design Services during construction are as follows:

- Request for Information (RFI) – The Consultant will respond to RFIs during construction pertaining to the design documents developed by the Consultant;
- Shop Drawing/Submittal – The Consultant will review and approve shop drawings/submittals prepared by the contractor. The Contractor shall not perform the construction work without approved shop drawings;
- Construction Assistance – The Consultant will review design changes requested by the contractor and provide comments and approvals. The Consultant will provide design services as a result of unforeseen field conditions. The Consultant will review and provide comments to the change request received from the Contractor;
- Job Site Visits/Meetings – The Consultant will perform construction site visits to review the project construction for design intent compliance/general compliance with the contract documents.
- Construction Meetings – The Consultant will attend weekly construction progress meetings and post-construction meeting.

The major tasks during the Bid and Award process are as follows:

- Prepare initial bid documents for DTPW to proceed with the Contract selection process. Assist with preparing addenda to bid document. Respond to design question from bidders.
- Attend pre-bid conference. Assist DTPW with bid evaluations. Participate in pre-contract negotiations and attend pre-construction meeting.

On July 25, 2018, through CITT Resolution No. 18-028, the CITT voted to forward a favorable recommendation to the BCC for the approval of the proposed resolution.

**ADDITIONAL INFORMATION**

The People’s Transportation Plan (PTP), the half-penny transportation surtax overwhelmingly approved by Miami-Dade County voters in November 2002, included \$476 million for public works projects. The PTP funds to be provided to the Transportation and Public Works Department were for major highway and road improvements totaling \$309 million, and for neighborhood improvements totaling \$167.

<http://www.miamidade.gov/publicworks/peoples-transportation.asp>

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 8N8  
File No. 181451**

**Researcher: JFP Reviewer: TD**

RESOLUTION APPROVING A RIGHTS-OF-WAY AND POLE ATTACHMENT AGREEMENT BETWEEN MIAMI-DADE COUNTY AND HOTWIRE COMMUNICATIONS, LLC IN THE AMOUNT OF \$1,500.00 PER SITE FOR EACH COUNTY POLE FOR WHICH HOTWIRE HAS SUBMITTED AN APPLICATION TO THE COUNTY PRIOR TO FEBRUARY 15, 2018, AND AN ANNUAL FEE IN THE AMOUNT OF \$150.00 FOR EACH COUNTY POLE TO WHICH HOTWIRE ATTACHES SMALL WIRELESS FACILITIES THEREAFTER, FOR THE INSTALLATION OF COMMUNICATIONS INFRASTRUCTURE WITHIN THE PUBLIC RIGHTS-OF-WAY, AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS CONTAINED THEREIN

**ISSUE/ ISSUE/REQUESTED ACTION**

Whether the Board should approve a Rights-of-Way and Pole Attachment Agreement between the County and Hotwire Communications, LLC for the installation of communications infrastructure within the public rights-of-way.

**APPLICABLE LEGISLATION/POLICY**

Section 337.401 of the Florida Statutes (*Use of right-of-way for utilities subject to regulation; permit; fees*) authorizes local governmental entities having jurisdiction and control of public roads or publicly owned rail corridors to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, voice, telegraph, data or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0300-0399/0337/Sections/0337.401.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0337/Sections/0337.401.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Transportation and Public Works Committee at its July 18, 2018 meeting.

**ANALYSIS**

The proposed resolution seeks to approve an agreement between Miami-Dade County and Hotwire Communications, LLC (Hotwire) whereby Hotwire would access certain portions of the public rights-of-way within the County's boundaries to provide communications services. More specifically, Hotwire may use the rights-of-way to install, maintain, operate, repair, modify, replace and/or remove Small Wireless Facilities from time to time. The term of the agreement is for 10 years and it shall automatically renew for four additional five year periods thereafter, unless Hotwire notifies the County in writing of its intent to not renew at least 90 days prior to the end of the then current term.

This item creates a positive fiscal impact as Hotwire will pay the County \$150 annually for each County pole to which it attaches Small Wireless Facilities. For each County pole Hotwire Communications submitted an application for prior to February 15, 2018, Hotwire Communications, LLC shall pay, for the first calendar year only, an alternate fee of \$1,500 per site in lieu of the annual fee that otherwise would be applicable to such Small Wireless Facility. County poles to which Hotwire Communications, LLC attaches small wireless facilities will be subject to a standard annual fee thereafter. The agenda item is unclear as to how many total County Poles the agreement includes, and what the total payment to the County would be.

**BCC Meeting: September 5, 2018**  
**Research Notes**

Under the agreement, Hotwire is responsible for maintaining its infrastructure in each pole, including upgrading all the lighting fixtures on the County poles where Hotwire has attached Small Wireless Facilities to LED lighting. Through a separate agreement and resolution, Hotwire proposes to provide funding to the County for the employment of one employee, who will act solely as staff of the County, for the exclusive purpose of processing applications for permits on a priority basis for communication facility projects.

Florida State Statutes 337.401 (10), defines “Small wireless facility” as a wireless facility that meets the following qualifications:

- a. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and
  
- b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.

Florida State Statutes 337.401 (12), defines “Wireless Facility” as equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications.

**ADDITIONAL INFORMATION**

According to the Florida Department of State website, Sunbiz.org., is an active Foreign Limited Liability Company with a principal address in Pennsylvania.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=HOTWIRECOMMUNICATIONS%20M050000062090&aggregateId=forl-m05000006209-00c28292-c630-48c1-94c2-41e247c89a9b&searchTerm=hotwire%20communications&listNameOrder=HOTWIRECOMMUNICATIONS%20B060000001080>

Hotwire Communications, LLC

<https://gethotwired.com/>  
[www.hotwirecommunications.com/](http://www.hotwirecommunications.com/)

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 801  
File No. 181643**

**Researcher: LE Reviewer: PGE**

RESOLUTION AUTHORIZING REFUND OF PAYMENT OF WATER AND SEWER CONNECTION CHARGES IN THE AMOUNT OF \$8,579.11 PURSUANT TO SECTION 2-348 OF THE CODE OF MIAMI-DADE COUNTY TO LIBERTY ACADEMY DAYCARE AND PRESCHOOL, INC. LOCATED IN THE COUNTY'S CENTRAL ENTERPRISE ZONE

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize a refund payment in the amount of \$8,579.11 for water and sewer connection charges to Liberty Academy Daycare and Preschool, Inc., which is located in the County's central enterprise zone.

**APPLICABLE LEGISLATION/POLICY**

Miami-Dade County Code Section 2-348 provides that commercial or industrial real property development within enterprise zones are exempt from payment of water and sewer connection charges imposed by the Miami-Dade Water and Sewer Authority Department upon approval of the Board subject to the following requirements:

- (1) The development is consistent with the Miami-Dade County Comprehensive Development Master Plan.
- (2) The development is located within an existing designated enterprise zone established pursuant to Florida Law.
- (3) The development has been deemed to have been granted an ad valorem tax exemption by Miami-Dade County.
- (4) The development meets the requirement that 25 percent of the employees reside in the enterprise zone.

[https://library.municode.com/fl/miami - dade county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTXXXVIIMIDEWASEDEADBO\\_S2-348.1DEEX](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTXXXVIIMIDEWASEDEADBO_S2-348.1DEEX)

Florida Statutes Section 290.004 provides definitions relating to the Florida Enterprise Zone Act.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0290/Sections/0290.004.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0290/Sections/0290.004.html)

Miami-Dade County Ordinance No. 13-51, adopted on June 4, 2013, delineates that a new or expanded business that meets the eligibility requirements may submit an application to receive ad valorem tax exemption.

<http://intra/gia/matter.asp?matter=130547&file=true&yearFolder=Y2013>

**PROCEDURAL HISTORY**

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

**Requester/Department: Water and Sewer Department**

The proposed resolution was forwarded to the BCC with a favorable recommendation by the Infrastructure and Utilities Committee on July 16, 2018.

**ANALYSIS**

This item is requesting that the Board authorize WASD to refund a payment of water and sewer connection charges in the amount of \$8,579.11 to Liberty Academy Daycare and Preschool, Inc., located in Commission District 3. The refund is allowable because Liberty Academy received water and sewer connection charges resulting from enhancements made to an existing facility in the County's Central Enterprise Zone.

The proposed resolution would have a fiscal impact to the County in the amount of \$8,579.11. The refund funding source will be Water and Sewer Department (WASD) Plant Expansion Funds.

**BCC Meeting: September 5, 2018**  
**Research Notes**

Liberty Academy Daycare and Preschool, Inc. has been active in Sunbiz as a for-profit corporation since June 1, 2004. Liberty Academy provides early childhood education, child care, and after school care services. Property enhancements had an estimated completion date of February 15, 2015 which added 4,578 square feet to the existing facility and demolishing two blighted duplexes.

The following is the eligibility criteria for commercial or industrial real property development within enterprise zones for waiver of payment of water and sewer connection charges upon approval of the Board:

1. The development is consistent with the Miami-Dade County Comprehensive Development Master Plan.
2. The development is located within an existing designated enterprise zone established pursuant to Florida Law.
3. The development has been deemed to have been granted an ad valorem tax exemption by Miami-Dade County.
4. The development meets the requirement that 25 percent of the employees reside in the enterprise zone.

According to Miami-Dade County Code Section 2-348, the improvements made to Liberty Academy meets the criteria to receive an exemption. The property owner of Liberty Academy, Sarah Davis Brazier, applied for a property tax abatement exemption after the renovations were completed. There are approximately four new employees that reside in the enterprise zone. Liberty Academy satisfies the criteria because it is located within the enterprise zone and 25 percent of the employees reside in the enterprise zone.

OCA found that sensitive information such as employee social security numbers and addresses were in the item. After speaking to the Water and Sewer Department, they stated that they would remove the pages with such sensitive information.

**ADDITIONAL INFORMATION**

The Enterprise Zone may be in rural or urban areas of Florida and offers opportunities to small businesses and entrepreneurial initiatives, who may qualify for sales and corporate tax credits. The Miami-Dade County Central Enterprise Zone consists of neighborhoods including Allapattah, Wynwood, Edison, Little River, Overtown, Culmer, East Little Havana, and Little Haiti. <http://www.miamigov.com/economicdevelopment/pages/BusinessIncentives/EnterpriseZone.asp>

**DEPARTMENTAL INPUT**

On July 11, 2018, OCA posed the following question/request to the Water and Sewer Department and received the following response. The answer has been italicized.

- (1) **Clarify Liberty Academy Daycare and Preschool, Inc.’s address as the mayoral memorandum and resolution indicate Liberty Academy is located in the County’s Central Enterprise Zone at 7730-7734 N.W. 12 Avenue, Miami, Florida 33150 while the Exhibit A indicates 7750 N.W. 12 Avenue, Miami, Florida 33150.**

*On page 11, 7730-7734 and 7760 are indicated that they were included in buildings that received water and sewer connection charges. The owner only listed one building address for the refund, while these three buildings are also included.*



**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 802  
File No. 181610**

**Researcher: PGE Reviewer: TD**

RESOLUTION APPROVING A CONTRACT BETWEEN DANIEL O'CONNELL'S SONS, INC. AND MIAMI-DADE COUNTY FOR CONSENT DECREE PROJECT 3.06, CONTRACT NO. S-912, FOR A PROJECT ENTITLED: NORTH DISTRICT WASTEWATER TREATMENT PLANT DISINFECTION FACILITY IMPROVEMENTS, WITH A TOTAL COMPENSATION AMOUNT OF \$12,430,010.00 AND A TOTAL CONTRACT TERM OF 605 DAYS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS OF SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CONTRACT NO. S-912 AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a contract award to Daniel O'Connell's Sons, Inc. (DOCS) in the amount of \$12,430,010 for a term of 605 days for delivery of disinfection facility improvements to the North District Wastewater Treatment Plant for the Water and Sewer Department.

**APPLICABLE LEGISLATION/POLICY**

Chapter 489 of the Florida Statutes sets forth regulations for the construction industry, including qualifications for practice, registration and disciplinary proceedings.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0400-0499/0489/0489.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0400-0499/0489/0489.html)

Chapter 10 of the County Code sets forth the County's regulations for construction contractors.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH10CO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO)

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

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

Section 2-8.1(h) of the County Code provides for contingency allowances and requires that an item shall be added to the recommendation for award memorandum presented by the County Mayor to the Board of County Commissioners identifying (1) each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each, and (2) the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

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

Section 2-8.2.12 of the County Code sets forth the Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance. Under the ordinance, the County Mayor or County Mayor's designee shall, subject to the funding limitations set forth in the Multi-Year Capital Plan approved by the Board of County Commissioners, be authorized to accelerate the processing, procurement, and award of any contract and agreement of the County for Consent Decree Work and other required Capital Improvements contracts to maintain the operational effectiveness and capacity of the water and sewer systems, including any contracts related to the purchase of goods and services, construction and professional services.

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The authority to award or reject is granted where (1) the base value of a recommended award does not exceed the base estimate by more than 10 percent; and (2) the contractor or consulting firm receiving the award has a rating of 2.5 or higher in the Capital Improvement Information System database and has no outstanding debts, no goal deficits and has submitted required insurance, bonds, affidavits and documentation provided for by the time of award.

Additionally, under the Acceleration Ordinance, the County Mayor or the County Mayor's designee is authorized to amend contracts and negotiate and settle claims.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

Section 2-8.5 of the County Code sets forth the procedure to apply preference to local businesses in County contracts and provides that if the Low Bidder is a Local Business which is not a Locally Headquartered Business, then any and all responsive and responsible Locally Headquartered Businesses submitting a price within five percent of the Low Bid, and the Low Bidder shall have an opportunity to submit a best and final bid equal to or lower than the Low Bid.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.5PRPRPRLOBUCOCO](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.5PRPRPRLOBUCOCO)

Section 10-34 of the County Code requires a listing of subcontractors for those contracts involving an expenditure of \$100,000 or more in which a bidder may use a subcontractor. Such contracts require the entity contracting with the County to list all first tier subcontractors who will perform any part of the contract and all suppliers who will supply materials for the contract work.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH10CO\\_ARTIIBIPUPR\\_S10-34LISURE](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH10CO_ARTIIBIPUPR_S10-34LISURE)

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

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

Implementing Order No. 3-24 sets forth the County's responsible wages and benefits policy for County construction contracts.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-24.pdf>

Implementing Order No. 3-57 sets forth the County's policy for adoption of a standard construction contract.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-57.pdf>

Administrative Order No. 3-39 sets forth the County's standard process for construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

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

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Water and Sewer**

The item was heard at the July 16, 2018 meeting of the Infrastructure and Utilities Committee and forwarded to the Board with a favorable recommendation.

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**Research Notes**

**ANALYSIS**

This item is requesting approval of an award to Daniel O’Connell’s Sons, Inc. (DOCS) for a consent decree construction project entitled “North District Wastewater Treatment Plant Disinfection Facility Improvements” for a total contract amount of \$12,430,010 for a term of 605 days. As DOCS has never been awarded a County contract, it has no ratings in the Capital Improvement Information System database which precluded the County Mayor from approving this award under the WASD Consent Decree and Capital Improvement Programs Acceleration Ordinance.

Per the mayoral memorandum, the fiscal impact for the 605-day term is \$12,430,010. The funding sources include Future WASD Revenue Bonds, WASD Revenue Bonds Sold, and Wastewater Renewal Fund. The elements constituting the total contract amount are: (1) the base contract amount of \$10,677,000; (2) the contingency allowance of \$1,067,700; (3) the permit fees of \$320,310; and (4) \$100,000 for the replacement of the existing roof at the on-site Chlorine Building and Main Switchgear Building. The elements total \$12,165,010 which is inconsistent with the total contract amount of \$12,430,010. WASD confirmed that the \$100,000 cost for the roof replacement project as seen in the mayoral memorandum is a scrivener’s error; the true value for that project is \$365,000. The scrivener’s error has been corrected.

The project location is 2575 NE 156 Street, North Miami, Florida, within District 4 which is represented by Commissioner Heyman. The project is one in a series at the North District Wastewater Treatment Plant required to comply with the Consent Decree and includes the replacement of the chlorine gas storage, liquid chlorination and dosing system with bulk sodium hypochlorite storage and a sodium hypochlorite dosing system. Failure of the existing chlorine gas storage system could lead to an unregulated discharge of chlorine gas exposing the gas to Plant personnel and the surrounding community. The improvements must be completed before September 9, 2020. Note that the contract included in the agenda is a standard form contract with no specific work to be performed delineated. The work to be performed under the contract is delineated in the Bid Tabulation by Item No. and is included in the agenda package.

Only three bids were received in response to this procurement, with DOCS being the recommended awardee following a Best and Final Offer (BAFO) process pursuant to the County’s Local Preference Ordinance. Per sunbiz.org, the official website for the State of Florida Division of Corporations, the recommended awardee is an active foreign for-profit corporation with a principal address at 800 Kelly Way, Holyoke, Massachusetts. Per the Florida DBPR, DOCS, Inc. has the following license types: Certified General Contractor and Construction Business Information. The General Contractor license is a technical certification requirement for this contract award.

Note that the Brown and Caldwell, the project’s Engineer of Record, authored an Opinion of Probable Construction Cost (OPCC). WASD requested that Brown and Caldwell justify the bid from DOCS as the bid represented a 20 percent difference to the OPCC. The OPCC was \$15,927,588, while the low bid from the BAFO was \$10,677,000. Brown and Caldwell attributed the discrepancy to the estimates related to the On-Site Chlorine Building (Area 0740) work. That work is reflected in Bid Items 2, 3, 6 and 7. The OPCC for those items was approximately \$9,109,084 while DOCS’s total for the same Bid Items was \$2,922,000. Despite the discrepancy between DOCS’s bid and the OPCC, the two lowest bidders for the Bid Items were within \$200,000 of each other. Brown and Caldwell thus concluded that the scope of work for that area was interpreted consistently by the bidders and that the work could be accomplished in a more efficient manner than assumed by the OPCC.

The project was assigned a SBE-CON goal of 13.29 percent (valued at \$1,560,871) and a SBE-G&S goal of 1.57 percent (valued at \$184,392). The recommended awardee’s subcontractors are: Loveland Electric II, LLC; Sunshine State A/C, Inc.; Interstate Construction, LLC; SCR Mechanical, LLC; Revere Control Systems, Inc.; and Amherst Maintenance, Inc. DOCS’s suppliers are: Corcel Corp. and Trenwa.

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**ADDITIONAL INFORMATION**

See the link below to *Leahy v. Daniel O'Connell's Sons, Inc.*, a July 2015 case where the Commonwealth of Massachusetts Appeals Court affirmed an entry of summary judgment finding Daniel O'Connell's Sons, Inc. liable in a tort action relating to remodeling the J. Michael Ruane Judicial Center in Salem.

<https://casetext.com/case/leahy-v-daniel-oconnells-sons-inc>

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Research Notes**

**Item No. 803  
File No. 181636**

**Researcher: JFP Reviewer: TD**

RESOLUTION AUTHORIZING THE EXECUTION OF JOINT FUNDING AGREEMENT NO. 19ESFL000000103 FOR WATER RESOURCES INVESTIGATIONS WITH THE UNITED STATES GEOLOGICAL SURVEY FOR A TEN-YEAR TERM WITH FUNDING BY MIAMI-DADE COUNTY IN AN AMOUNT NOT TO EXCEED \$15,167,389.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE ANY NECESSARY AMENDMENTS TO THE AGREEMENT, ANY TIME EXTENSION AND TO ACCEPT ADDITIONAL FUNDS THAT MAY BECOME AVAILABLE UNDER THE AGREEMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

The proposed resolution authorizes the execution of Joint Funding Agreement No. 19ESFL000000103 in an amount not to exceed \$15,167,389 between the County, through the Water and Sewer Department (WASD), and the U.S. Geological Survey for water resources investigations, for a ten-year term commencing October 1, 2018, through September 30, 2028.

**APPLICABLE LEGISLATION/POLICY**

43 USC 36c provides legal authority for the U.S. Geological Survey; relates to acceptance of contributions from public and private sources; cooperation with other agencies in prosecution of projects

<https://www.gpo.gov/fdsys/pkg/USCODE-2010-title43/pdf/USCODE-2010-title43-chap2-sec36c.pdf>

43 USC 50b provides legal authority for the U.S. Geological Survey; relates to recording of obligations against accounts receivable and crediting of amounts received; work involving cooperation with State, Territory, etc.

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title43/pdf/USCODE-2011-title43-chap2-sec50b.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Requester/Department: Water & Sewer Department**

This proposed resolution was forwarded to the BCC with a favorable recommendation by the Infrastructure and Utilities Committee at its July 16, 2018 committee meeting.

**ANALYSIS**

The proposed resolution authorizes the execution of Joint Funding Agreement No. 19ESFL000000103 between Miami-Dade County (through WASD) and the U.S. Geological Survey for water resources investigations in an amount not to exceed \$15,167,389 for a ten-year term commencing October 1, 2018, through September 30, 2028. The fiscal impact to the County throughout the term of the Joint Funding Agreement totals \$15,167,389, with the total amount of the Joint Funding Agreement being \$16,063,439 when taking into account the U.S. Geological Survey contribution, as demonstrated in the below table.

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<b>Funding Source</b>	<b>Amount</b>
Water & Sewer Department's Operating Revenues	\$11,617,534
Department of Regulatory and Economic Resources Proprietary Revenues Fund	\$3,549,855
<b>SUBTOTAL (County funding)</b>	<b>\$15,167, 389</b>
U.S. Geological Survey	\$896,050
<b>TOTAL:</b>	<b>\$16,063,439</b>

For more than 30 years, the County has had water resources investigation agreements with the U.S. Geological Survey, the sole science agency for the Department of the Interior. The existing Joint Funding Agreement was for a term of five years and expires on September 30, 2018. Both WASD and RER utilize the information provided by USGS to ensure water quality, with WASD also utilizing the data to ensure an adequate water supply.

The services funded by WASD, in the amount of \$11,617,534, include, but are not limited to:

- the operation and maintenance of 93 water level monitoring wells;
- the operation and maintenance of 61 salt water interface monitoring stations;
- the operation and maintenance of two rain gauge instruments;
- the collection of additional data during droughts; and
- the operation of a website that interacts with the most recent data collected.

The services funded by RER, in the amount of \$3,549,855, include, but are not limited to, the operation and maintenance of:

- 51 water level recording stations;
- one canal stage meter flow instrumentation; and
- 25 saltwater interface monitoring stations.

The water resources investigations authorized by this Joint Funding Agreement are required to comply with the County's 20-Year Water Use Permit.

**ADDITIONAL INFORMATION**

***U.S. Geological Survey***

Created by an act of Congress in 1879, USGS is the nation's largest water, earth, and biological science and civilian mapping agency. USGS collects, monitors, analyzes, and provides science about natural resource conditions, issues, and problems. The USGS serves the nation by providing reliable scientific information to: describe and understand the Earth; minimize loss of life and property from natural disasters; manage water, biological, energy, and mineral resources; and enhance and protect our quality of life.

<https://www.usgs.gov/>

***County's 20-Year Water Use Permit***

The Water Use Permit, extended in 2015 to February 2035, is a plan for meeting the present and future water needs of the County while protecting natural resources such as the Everglades.

<https://www.miamidade.gov/water/water-use-permit.asp>

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**Item No. 804  
File No. 181956**

**Researcher: IL Reviewer: TD**

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE AWARD AND EXECUTION OF A CONSTRUCTION CONTRACT FOR CD 2.15(2) CENTRAL DISTRICT WASTEWATER TREATMENT PLANT – PLANT 2 CLUSTER 2 DIGESTER UPGRADES, CONTRACT NO. S-909 TO POOLE & KENT COMPANY OF FLORIDA IN THE AMOUNT OF \$29,227,440.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should ratify the award of a construction contract for Central District Wastewater Treatment Plant - Plant 2 Cluster 2 Digester upgrades, Contract No. S-909 to Poole and Kent Company of Florida in the amount of \$29,227,440.00 for a total contract term of 510 days.

**APPLICABLE LEGISLATION/POLICY**

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

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0287/Sections/0287.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html)

Miami-Dade County Code, Section 2-8.2.12(4)(d) and (e) governs the Miami-Dade County Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

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

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

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

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

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Water and Sewer**

The proposed resolution has no procedural history.

**ANALYSIS**

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor to award contracts for funded projects and related goods and services, to reject bids and proposals received in connection with any

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competitive procurement, and to accelerate the approval of WASD’s (1) Consent Decree projects and (2) projects identified in WASD Multi-Year Capital Plan’s Capital Improvements Program without the need for prior Board approval, but subject to ratification by the Board.

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

The proposed resolution seeks the Board’s ratification of the award of a construction contract for the Central District Wastewater Treatment Plant (CDWWTP) Plant 2 Cluster 2 Digester upgrades, to Poole and Kent Company of Florida, with a total contract term of 510 days.

The Fiscal Impact to the County for the implementation of this contract will be of \$7,841,070.00, and will impact Commission District 7, Xavier L. Suarez. The funding sources for this project are: “WASD Revenue Bonds Sold and Future WASD Revenue Bonds”

This project is one in a series of projects processed under Section 2-8.2.12 of the Code, which governs the Miami-Dade County Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance.

On May 21, 2013, the Board of County Commissioners authorize the execution of a Consent Decree between Miami-Dade County, the United States of America, the State of Florida and the Florida Department of Environmental Protection, for improvements to the County’s wastewater collection and treatment system WASD determined that the digestion capacity had to be restored at the CDWWTP. The Digester Cluster 2 located at Plant 2 in the CDWWTP was identified to be in need of major upgrades. Improvements to the digestion process facilities are required pursuant to the Consent decree from the U.S. Environmental Protection Agency (U.S. EPA), Department of Justice (DOJ) and the Florida Department of Environmental Protection (FDEP), Case No 1:12-cv-24400-FAM. The digester is scheduled for complete rehabilitation of the sludge digester clusters. Loss of digestion capacity would result in a decline in biogas/methane production for power generation, and un-stabilized sludge would require landfill disposal.

In response to WASD’s competitive solicitation for Project No. S-909, the department received two bids, with the lowest bids from Poole & Kent Company of Florida. The project’s Engineer of Record, HDR Engineering, Inc., advised that Poole & Kent Company of Florida was lowest bidder and should be awarded the contract. Additionally, the Small Business Development Division of the Internal Services Department found Poole & Kent Company of Florida to be in compliance with contract measures. Since Poole & Kent Company of Florida, provided the lowest bid, WASD recommends that it be awarded the project.

**Bid Tabulation**

<b>Firm</b>	<b>Bid</b>
Poole & Kent Company of Florida	\$29,227,440.00
Klewitt Infrastructure South	\$ 7,378,000.00



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**Poole & Kent Company of Florida**

<b>Sub</b>	<b>Address</b>	<b>SBE Construction Measure 10.43%</b>	<b>SBE Goods and Services 2.71%</b>
Transamerica Construction Company	2816 SW 3 <sup>rd</sup> Avenue, Fort Lauderdale, FL 33315	2.0%	N/A
Revere Controls Systems Inc.	3140 W. 84 <sup>th</sup> Street, Bay #2 Hialeah, FL 33018	N/A	N/A
Ebsary Foundation Company	18635 SW 105 <sup>th</sup> Avenue, Miami, FL 33157	N/A	N/A
Sunshine State Air Conditioning Inc.	2635 NW 4 <sup>th</sup> Street, Fort Lauderdale, FL 33311	1.5%	N/A
Eli's Mechanical Corp.	1725 Arredondo Gran Rd. DeLeon Springs, FL 32130	7.0%	N/A
Fisk Electric	2461 NW 23 <sup>rd</sup> Street, Miami, FL 33142	N/A	1.79
Ferguson Waterworks	8205 NW 58 <sup>th</sup> Street, Miami, FL 33166	N/A	N/A
Barney's Pump Inc.	10650 NW South River Drive, Medley, FL 33178	N/A	N/A
Pentair/Aurora	8205 NW 58 <sup>th</sup> Street, Miami, FL 33166	N/A	N/A
Corcel Corp.	10650 NW South River Drive, Medley, FL 33178	N/A	2.71%
Ovivo USA, LLC.	8205 NW 58 <sup>th</sup> Street, Miami, FL 33166	N/A	N/A
Lehman Pipe & Plumbing Supply	10650 NW South River Drive, Medley, FL 33178	N/A	N/A

**ADDITIONAL INFORMATION**

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Poole & Kent Company of Florida, has an active status as a Florida Profit Corporation and first filed and registered on July 30, 1999. The principal address is registered as 1781 NW North River Drive, Miami, FL 33125. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301-2525.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=POOLEKENTFLORIDA%20F040000037510&aggregateId=forp-f04000003751-575dcf01-a3e7-4ec3-bc9f-68af39efbb5a&searchTerm=Poole%20%26%20Kent&listNameOrder=POOLEKENT%208100810>

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

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

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**Item No. 805  
File No. 181955**

**Researcher: IL Reviewer: TD**

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE AWARD OF A CONSTRUCTION CONTRACT FOR ALEXANDER ORR JR. WATER TREATMENT PLANT EAST HIGH SERVICE PUMP NO. 6 REPLACEMENT, CONTRACT NO. W-938 TO POOLE AND KENT COMPANY OF FLORIDA IN THE AMOUNT OF \$7,841,070.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should ratify the award of a construction contract for Alexander Orr Jr. Water Treatment Plant East High Service Pump No. 6 Replacement, Contract No. W-938 to Poole and Kent Company of Florida in the amount of \$7,841,070.00 for a total contract term of 402 days.

**APPLICABLE LEGISLATION/POLICY**

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

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0287/Sections/0287.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html)

Miami-Dade County Code, Section 2-8.2.12 governs the Miami-Dade County Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

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

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

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

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

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Water and Sewer**

The proposed resolution has no procedural history.

**ANALYSIS**

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor to award contracts for funded projects and related goods and services, to reject bids and proposals received in connection with any competitive procurement, and to accelerate the approval of WASD's (1) Consent Decree projects and (2) projects identified in WASD Multi-Year

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Capital Plan’s Capital Improvements Program without the need for prior Board approval but subject to ratification by the Board.

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

The proposed resolution seeks the Board’s ratification of the award of a construction contract for Alexander Orr Jr. Water Treatment Plant East High Service Pump No. 6 Replacement, to Poole and Kent Company of Florida, with a total contract term of 402 days.

The Fiscal Impact to the County for the implementation of this contract will be of \$7,841,070.00, and will impact Commission District 7, Xavier L. Suarez. The funding sources for this project are: “WASD Revenue Bonds Sold and Future WASD Revenue Bonds”

This project is one in a series of projects processed under Section 2-8.2.12 of the Code, which governs the Miami-Dade County Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance.

WASD operates three regional water treatment plants. The Alexander Orr Jr. Water Treatment Plant provides potable water service to all residents in WASD’s service area south of Flagler Street. The purpose of this project is for the replacement of High Service Pump No. 6 and appurtenances, which have reached the end of their useful life and is currently not working. The scope includes furnishing and installing a dual fuel engine along with a high service pump and appurtenances. When replaced, this pumping unit will provide the majority of base flow pumping operations from the East Pump Room. In addition, the replacement will increase the overall reliability of pumping operations while reducing expenses thorough a more efficient pumping operation.

In response to WASD’s competitive solicitation for Project No. W-938, the department received four bids, with the lowest bids from Poole & Kent Company of Florida. The project’s Engineer of Record, HDR Engineering, Inc., advised that Poole & Kent Company of Florida was lowest bidder and should be awarded the contract. Additionally, the Small Business Development Division of the Internal Services Department found Poole & Kent Company of Florida to be in compliance with contract measures. Since Poole & Kent Company of Florida, provided the lowest bid, WASD recommends that it be awarded the project.

**First Tier**

<b>Firm</b>	<b>Bid</b>
Poole & Kent Company of Florida	\$6,939,000.00
Munilla Construction Management (dba MCM)	\$7,210,000.00
Klewitt Infrastructure South	\$7,378,000.00
V Engineering	\$8,111,000.00

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**Poole & Kent Company of Florida**

<b>Sub</b>	<b>Address</b>	<b>SBE Construction Measure 3.20%</b>	<b>SBE Goods and Services 1.79%</b>
Sparta Insulation Company	2816 SW 3 <sup>rd</sup> Avenue, Fort Lauderdale, FL 33315	N/A	N/A
Dodec, Inc.	3140 W. 84 <sup>th</sup> Street, Bay #2 Hialeah, FL 33018	3.20%	N/A
Overholt Construction Corp.	18635 SW 105th Avenue, Miami, FL 33157	N/A	N/A
Southland Painting Corp.	2635 NW 4 <sup>th</sup> Street, Fort Lauderdale, FL 33311	N/A	N/A
Almar Metals, Inc.	1725 Arredondo Gran Rd. DeLeon Springs, FL 32130	N/A	N/A
Corcel Corp.	2461 NW 23 <sup>rd</sup> Street, Miami, FL 33142	N/A	1.79
Pantropic Power, Inc	8205 NW 58 <sup>th</sup> Street, Miami, FL 33166	N/A	N/A
Arle Compressor Systems	10650 NW South River Drive, Medley, FL 33178	N/A	N/A

**ADDITIONAL INFORMATION**

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Poole & Kent Company of Florida, has an active status as a Florida Profit Corporation and first filed and registered on July 30, 1999. The principal address is registered as 1781 NW North River Drive, Miami, FL 33125. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301-2525.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=POOLEKENTFLORIDA%20F040000037510&aggregateId=forp-f04000003751-575dcf01-a3e7-4ec3-bc9f-68af39efbb5a&searchTerm=Poole%20%26%20Kent&listNameOrder=POOLEKENT%208100810>

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

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

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 806  
File No. 181953**

**Researcher: IL Reviewer: TD**

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE AWARD FOR DESIGNBUILD SERVICES FOR REPLACEMENT OF WATER MAINS AND SERVICE CONVERSIONS IN THE CITY OF NORTH MIAMI BEACH "DONUT HOLE" SERVICE AREA, PROJECT NO. DB15-WASD-01, CONTRACT NO. 17LCCF002, TO LANZO CONSTRUCTION CO., FLORIDA, IN THE AMOUNT OF \$9,794,837.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should ratify the award of a Design-Build Services Contract for the replacement of water mains and service conversions in the City of North Miami Beach "Donut Hole" service area, in the amount of \$9,794,837 for a total contract term of 607 days.

**APPLICABLE LEGISLATION/POLICY**

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

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0287/Sections/0287.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html)

Miami-Dade County Code, Section 2-8.2.12(4)(d)and(e) governs the Miami-Dade County Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

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

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

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=150976&file=true&fileAnalysis=false&yearFolder=Y2015>

Resolution No. R-576-17, adopted by the Board on June 6, 2017, ratified the award of a Design-Build Contract to Ric-Man International, Inc. with a contract amount not to exceed \$18,767,356.54 and a total contract term of 890 days from the notice to proceed for a project entitled "Design-Build Services for replacement of water mains and service conversions in the South Miami Heights area (phase a)" and a contract amount not to exceed \$19,117,199.91 and a total contract term of 920 calendar days from the notice to proceed.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2017/171260.pdf>

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Resolution No. R-172-15, adopted by the Board on February 18, 2015 approved the award of a Design-Build Contract to Ric-Man Construction Florida, Inc. with a contract amount not to exceed \$11,326,347.00 and a total contract term of 910 days from the notice to proceed for a project entitled “Design-Build Services for replacement of water mains and service conversions in the Shenandoah area (phase a)”.

<http://www.miamidade.gov/govaction/matter.asp?matter=142823&file=true&fileAnalysis=false&yearFolder=Y2014>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Water and Sewer**

The proposed resolution has no procedural history.

**ANALYSIS**

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

The Miami-Dade Water and Sewer Department’s Multi-Year Capital Plan’s Capital Improvements Program provides necessary upgrades to thousands of miles of pipes, pump stations and water and wastewater treatment plants that provide you with high quality drinking water and wastewater services.

The Miami-Dade Water and Sewer Department Capital Improvement Program consists of only those projects approved by the Board as part of the Multi-Year Capital Plan.

The proposed resolution seeks the Board’s ratification of the award of a Design-Build Services Contract for the replacement of water mains and service conversions in the City of North Miami Beach., with a total contract term of 607 days.

The Fiscal Impact to the County for the implementation of this contract is \$9,794,837, and impacts Commission District 1, Barbara J. Jordan. The funding sources for this project are: “WASD Revenue Bonds Sold and Future WASD Revenue Bonds”

This project is comparable and analogous to the Shenandoah water conversion projects DB13-WASD-03 (Phase A) and DB13-WASD-04 (Phase B) as well as the South Miami Heights Phase A and B DB14-WASD-06 and DB14-WASD-07.

<http://www.miamidade.gov/govaction/matter.asp?matter=142823&file=true&fileAnalysis=false&yearFolder=Y2014>

<http://www.miamidade.gov/govaction/matter.asp?matter=150976&file=true&fileAnalysis=false&yearFolder=Y2015>

<http://www.miamidade.gov/govaction/matter.asp?matter=171260&file=true&fileAnalysis=false&yearFolder=Y2017>

WASD determined that the water services infrastructure in the “Donut Hole” area consisted of undersized and deteriorated water mains and observed an opportunity to remedy existing main loop closures in order to improve system pressure and provide fire flow protection and for water service conversions. The scope of services to be rendered by Lanzo Construction Co., Florida (“Lanzo”), are as follows: surveying, geotechnical investigations, engineering, design, preparation of technical specifications, permitting, construction, testing and commissioning services, customer contact, negotiation and agreement execution for the installation of new, 6-inch, 8-inch and 12-inch water mains, new water services and fire hydrants, and restoration within private property for the installation of all required piping, fittings and accessories for the water service conversion, the replacement of the existing undersized and deteriorated water mains and existing main loop closures and water service conversions (transfer of services from the rear to the front of the properties and replacement of certain existing old services in front of properties to meet the County’s new standard).

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Lanzo Construction Co., Florida shall design and construct all ancillary piping, tapping, and temporary bypass and tie-in connections to facilitate the successful construction and commissioning of the new 6-inch, 8-inch and 12-inch water mains without any interruption of service to the existing Miami-Dade Water and Sewer Department’s customers. The design and construction services rendered by Lanzo Construction Co., Florida, shall result in a complete, functional and operable piping project with a standard design life. Lanzo Construction Co., Florida must comply with the “Buy American Requirements”.

In response to WASD’s competitive solicitation for Project No. DB15-WASD-01, the department received eight proposals, of which four of the proposers, Ric-Man Construction Florida, Inc., Layne Heavy Civil, Inc., David Mancini & Sons, Inc., and American Pipeline/IC Earthmovers JV, LLC, were eliminated from consideration due to teaming restriction violations. The Step 1 evaluation took place on December 20, 2016, the Competitive Selection Committee (CSC) evaluated the four remaining responsive and responsible proposers and elected by majority vote, to score and rank all four responsive and responsible proposers and as a result the CSC voted to advance all four firms. The Step 2 evaluation took place on November 1, 2017, the CSC scored the proposers, the price proposal and bid bond envelopes were opened and the bid prices were read into the record. Lanzo Construction Co. Florida., was with the highest ranking firm with highest qualitative score and the lowest bid price. The CSC recommended negotiation of the contract with Lanzo Construciton Co. Florida.

**Step 1**

<b>Firm</b>	<b>Total Qualitative Points</b>	<b>Final Rank</b>
Lanzo Construction Co., Florida	453	1
Metro Equipment Service, Inc.	443	2
Man-Con Incorporated	435	3
Ric-Man International, Inc.	432	4

**Step 2**

<b>Firm</b>	<b>Total &amp; Adj. Qualitative Score</b>	<b>Base Price Proposal</b>	<b>Adjusted Bid</b>	<b>Final Ranking</b>
Lanzo Construction Co., Florida	471	\$8,265,000.00	17547.8	1
Ric-Man International, Inc.	471	\$8,385,341.00	17803.3	2
Man-Con Incorporated	464	\$8,300,000.00	17887.9	3
Metro Equipment Service, Inc.	441	\$11,160,000.00	25306.1	4

**Lanzo Construction Co., Florida**

<b>Sub</b>	<b>Address</b>	<b>SBE A/E Measure 25.00%</b>	<b>SBE Construction Measure 16.43%</b>	<b>SBE Goods and Services Measure 4.00%</b>
CES Consultants, Inc	3150 SW 38th Avenue Miami, FL 33146	15%	N/A	N/A
Infinite Source Communications	7270 NW 12 Street Suite 300 Miami, FL 33126	N/A	N/A	N/A
Longitude Surveyors, LLC	7715 N.W. 48th Street Suite 310 Doral, FL 33166	5%	N/A	N/A

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Nutting Engineers of Florida, Inc.,	1310 Neptune Drive Boynton Beach, FL 33426	5%	N/A	N/A
Vittiglio Construction & Supply Co., Inc.	14651 S.W. 17 Court Davie, FL 33325	N/A	16 %	N/A
Wade Trim, Inc.	201 N Franklin Street Suite 1350 Tampa, FL 33602	N/A	N/A	N/A

**ADDITIONAL INFORMATION**

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Lanzo Construction Co., Florida, has an active status as a Florida Profit Corporation and first filed and registered on August 7, 1980.

The principal address is registered as 125 SE 5 Court, Deerfield Beach, FL 33441. Its registered agent is D'alessandro, Giuseppe, 125 SE 5 Court, Deerfield Beach, FL 33441.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=LANZOCONSTRUCTIONFLORIDA%206814580&aggregateId=domp-681458-c43f6130-245a-4176-ac3f-43e2a13a4b38&searchTerm=Lanzo%20Construction%20Co.%20Florida&listNameOrder=LANZOCONSTRUCTIONFLORIDA%206814580>

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

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



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**Item No. 807  
File No. 181957**

**Researcher: IL Reviewer: TD**

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY THE AWARD OF A CONSTRUCTION CONTRACT FOR ALEXANDER ORR JR. WATER TREATMENT PLANT EAST HIGH SERVICE PUMP NO. 6 REPLACEMENT, CONTRACT NO. W-938 TO POOLE AND KENT COMPANY OF FLORIDA IN THE AMOUNT OF \$7,841,070.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should ratify the award of a construction contract for Alexander Orr Jr. Water Treatment Plant East High Service Pump No. 6 Replacement, Contract No. W-938 to Poole and Kent Company of Florida in the amount of \$7,841,070.00 for a total contract term of 402 days.

**APPLICABLE LEGISLATION/POLICY**

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

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0287/Sections/0287.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.html)

Miami-Dade County Code, Section 2-8.2.12 governs the Miami-Dade County Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.12MIDEWASEDECODECAIMPRACOR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.2.12MIDEWASEDECODECAIMPRACOR)

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

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

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

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

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Water and Sewer**

The proposed resolution has no procedural history.

**ANALYSIS**

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor to award contracts for funded projects and related goods and services, to reject bids and proposals received in connection with any

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competitive procurement, and to accelerate the approval of WASD’s (1) Consent Decree projects and (2) projects identified in WASD Multi-Year Capital Plan’s Capital Improvements Program without the need for prior Board approval but subject to ratification by the Board.

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

The proposed resolution seeks the Board’s ratification of the award of a construction contract for Alexander Orr Jr. Water Treatment Plant East High Service Pump No. 6 Replacement, to Poole and Kent Company of Florida, with a total contract term of 402 days.

The Fiscal Impact to the County for the implementation of this contract will be of \$7,841,070.00, and will impact Commission District 7, Xavier L. Suarez. The funding sources for this project are: “WASD Revenue Bonds Sold and Future WASD Revenue Bonds”

This project is one in a series of projects processed under Section 2-8.2.12 of the Code, which governs the Miami-Dade County Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance.

WASD operates three regional water treatment plants. The Alexander Orr Jr. Water Treatment Plant provides potable water service to all residents in WASD’s service area south of Flagler Street. The purpose of this project is for the replacement of High Service Pump No. 6 and appurtenances, which have reached the end of their useful life and is currently not working. The scope includes furnishing and installing a dual fuel engine along with a high service pump and appurtenances. When replaced, this pumping unit will provide the majority of base flow pumping operations from the East Pump Room. In addition, the replacement will increase the overall reliability of pumping operations while reducing expenses thorough a more efficient pumping operation.

In response to WASD’s competitive solicitation for Project No. W-938, the department received four bids, with the lowest bids from Poole & Kent Company of Florida. The project’s Engineer of Record, HDR Engineering, Inc., advised that Poole & Kent Company of Florida was lowest bidder and should be awarded the contract. Additionally, the Small Business Development Division of the Internal Services Department found Poole & Kent Company of Florida to be in compliance with contract measures. Since Poole & Kent Company of Florida, provided the lowest bid, WASD recommends that it be awarded the project.

**First Tier**

<b>Firm</b>	<b>Bid</b>
Poole & Kent Company of Florida	\$6,939,000.00
Munilla Construction Management (dba MCM)	\$7,210,000.00
Klewitt Infrastructure South	\$7,378,000.00
V Engineering	\$8,111,000.00

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**Poole & Kent Company of Florida**

<b>Sub</b>	<b>Address</b>	<b>SBE Construction Measure 3.20%</b>	<b>SBE Goods and Services 1.79%</b>
Sparta Insulation Company	2816 SW 3 <sup>rd</sup> Avenue, Fort Lauderdale, FL 33315	N/A	N/A
Dodec, Inc.	3140 W. 84 <sup>th</sup> Street, Bay #2 Hialeah, FL 33018	3.20%	N/A
Overholt Construction Corp.	18635 SW 105th Avenue, Miami, FL 33157	N/A	N/A
Southland Painting Corp.	2635 NW 4 <sup>th</sup> Street, Fort Lauderdale, FL 33311	N/A	N/A
Almar Metals, Inc.	1725 Arredondo Gran Rd. DeLeon Springs, FL 32130	N/A	N/A
Corcel Corp.	2461 NW 23 <sup>rd</sup> Street, Miami, FL 33142	N/A	1.79
Pantropic Power, Inc	8205 NW 58 <sup>th</sup> Street, Miami, FL 33166	N/A	N/A
Arle Compressor Systems	10650 NW South River Drive, Medley, FL 33178	N/A	N/A

**ADDITIONAL INFORMATION**

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Poole & Kent Company of Florida, has an active status as a Florida Profit Corporation and first filed and registered on July 30, 1999. The principal address is registered as 1781 NW North River Drive, Miami, FL 33125. Its registered agent is Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301-2525.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=POOLEKENTFLORIDA%20F040000037510&aggregateId=forp-f04000003751-575dcf01-a3e7-4ec3-bc9f-68af39efbb5a&searchTerm=Poole%20%26%20Kent&listNameOrder=POOLEKENT%208100810>

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

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

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**Item No. 9A1  
File No. 181524**

**Researcher: MF Reviewer: TD**

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR'S OR COUNTY MAYOR'S DESIGNEE'S APPLICATION FOR YOUTH DEVELOPMENT GRANT FUNDING FROM THE CHILDREN'S TRUST IN THE AMOUNT OF \$179,823.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ACCEPT AND EXPEND \$179,823.00 IN FUNDING FROM THE CHILDREN'S TRUST FOR MIAMI-DADE COUNTY COMMUNITY ACTION AND HUMAN SERVICES DEPARTMENT'S FAMILY AND COMMUNITY SERVICES DIVISION'S YOUTH SUCCESS PROGRAM; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE GRANT AGREEMENTS, OTHER REQUIRED AGREEMENTS AND DOCUMENTS, AS WELL AS AMENDMENTS, EXTENSIONS, AND RENEWALS OF SUCH AGREEMENTS AND DOCUMENTS TO IMPLEMENT THE PROGRAM AND TO EXERCISE TERMINATION, WAIVER, AND OTHER PROVISIONS SET FORTH THEREIN; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, ACCEPT AND EXPEND FUTURE GRANT FUNDING TO SUPPORT THE YOUTH SUCCESS PROGRAM

**ISSUE/REQUESTED ACTION**

Whether the Board should retroactively authorize the County Mayor's application for funding in the amount of \$179,823.00 from the Children's Trust; authorize the Mayor to accept and expend grant funding in the amount of \$179,823.00 from the Children's Trust for Miami-Dade County Community Action and Human Services (CAHSD) Department's Family and Community Services Division's Youth Success Program; and authorize the application, acceptance, and expenditure of additional future grant funding should it become available.

**APPLICABLE LEGISLATION/POLICY**

N/A

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Community Action and Human Services**

The proposed resolution was considered at the July 17, 2018 Housing and Social Services Committee meeting; and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The proposed resolution seeks the Board's retroactive authorization application for funding in the amount of \$179,823.00 from the Children's Trust for Miami-Dade County Community Action and Human Services (CAHSD) Department's Family and Community Services Division's Youth Success Program. In addition, it seeks the Board's authorization to apply for, accept and expend additional future grant funding should it become available to support the Youth Success Program.

According to the Fiscal Impact Statement, there is no fiscal impact to Miami-Dade County for the provision of these services, which will be supported by the Children's Trust's grant funding in the amount of \$179,823.00 during Fiscal Year 2018-19. This grant funding may become available for four annual one-year renewals after the initial grant award, and does not require matching funds.

CAHSD's Youth Success Program addresses social, financial, emotional and educational barriers to high school graduation and entering into post-secondary education and/or the workforce faced by at-risk youth in the South Miami-Dade community.

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Youth Success offers a variety of services, activities and support to bolster engagement and enhance outcomes by blending service-based learning, academics, hands-on experience, nutritious snacks, wrap-around social services for the entire family and social skills building.

Youth Success is rooted in positive youth development principles. The operating philosophy of the program is to create positive experiences and build positive relationships in a positive environment. Youth Success focuses on empowering youth to achieve optimal success by engaging them in meaningful activities that will build upon their leadership strengths and develop their skills and social capital. Positive reinforcements, motivational interviewing and stakeholders' case conferencing are some of the approaches that will be used to serve and monitor youth progress.

Youth Success' core service areas include: academic support, social emotional learning, family engagement and civic engagement. The program targets youth/young adults ages 15-22 enrolled in high school who are interested in:

- Assessing and addressing the needs of their community;
- Achieving academic aspirations;
- Exploring opportunities for the future;
- Accessing social service resources for themselves, family members and their community;
- Serving as a peer mentor and a support system for other youth; and
- Becoming a community role model.

The program welcomes and encourages participation from youth who are economically disadvantaged, basic skills deficient, involved in the juvenile justice system, migrants, in foster care and/or have a disability. All Youth Success services will be offered at the South Dade Skills Center located at 28300 SW 152<sup>nd</sup> Avenue in Homestead, at South Dade Technical College, a Miami-Dade County Public School alternative high school.

At the end of the program, all Youth Success graduates will have established a portfolio that includes a resume, cover letter and references, participated in at least one college tour, completed a six-week financial literacy course on smart money management, planned and executed a team-led civic engagement project, participated in fun and educational outings, strengthened their social skills and received access to life-long supportive services for themselves, their family members and their community.

**ADDITIONAL INFORMATION**

An article dated September 6, 2016, entitled "Miami-Dade County identifies at-risk youth in attempt to intervene" states that "[o]fficials in Miami-Dade County said they have identified 2,000 at-risk youth in the County, and they are seeking to intervene before they become statistics. 'We are here because we have been able to finally understand who are the children at greatest risk,' said Miami-Dade Superintendent Alberto Carvalho. Carvalho made the announcement Tuesday. 'This group of children who have not yet broken the law, who have not yet had interaction with law enforcement, but if we do not intervene aggressively, more than likely, they shall,' he said. Officials said they used data from several factors to pinpoint the names. The factors included poverty, family issues, bad childhood experiences, poor self and impulse control, access to guns and gang involvement."

<https://wsvn.com/news/local/miami-dade-county-identifies-at-risk-youth-in-attempt-to-intervene/>

**BCC Meeting: September 5, 2018**  
**Research Notes**

**DEPARTMENT INPUT**

The Office of the Commission Auditor posed the following questions to the Community Action and Human Services Department, and is awaiting its responses:

- How many students will the Community Services Division's Youth Success Program target?
- Will this program be countywide?
- Will this program employ full-time or part-time instructors?
- Will this program hire staff or will it use existing staff?

**BCC Meeting: September 5, 2018  
Research Notes**

**Item No. 10A1  
File No. 181513**

**Researcher: MF Reviewer: TD**

RESOLUTION ACCEPTING THE FUNDING RECOMMENDATIONS OF THE MIAMI-DADE COUNTY HOMELESS TRUST, AS SET FORTH IN THE ATTACHED EXHIBIT 1, FOR THE AWARD OF CONTRACTS AND GRANTS, IN AN ANNUAL AMOUNT NOT TO EXCEED \$8,252,694.03 AND A TOTAL AMOUNT NOT TO EXCEED \$25,192,082.09 MADE PURSUANT TO A REQUEST FOR APPLICATION PROCESS TO SELECT NOT-FOR-PROFIT PROVIDERS OF HOMELESS HOUSING AND SERVICES FOR FISCAL YEARS 2018-2021, AND FOR-PROFIT SERVICE PROVIDERS FOR FISCAL YEARS 2018-2023 IN ACCORDANCE WITH THE MIAMI-DADE COUNTY COMMUNITY HOMELESS PLAN: PRIORITY HOME; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR, RECEIVE AND EXPEND DIVERSION FIRST MENTAL HEALTH PROGRAM FUNDS FROM THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, THROUGH SOUTH FLORIDA BEHAVIORAL HEALTH NETWORK, IN AN AMOUNT NOT TO EXCEED \$250,000.00 FOR FISCAL YEAR 2018-2019; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AGREEMENTS, SOME OF WHICH MAY EXCEED ONE MILLION DOLLARS IF RENEWED, WITH COMMUNITY BASED ORGANIZATIONS AND GOVERNMENT AGENCIES THAT ARE APPROVED FOR FUNDING BY THE HOMELESS TRUST, AFTER APPROVAL BY THE COUNTY ATTORNEY'S OFFICE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE AMENDMENT, RENEWAL, TERMINATION, CANCELLATION, AND MODIFICATION CLAUSES OF ANY AGREEMENT ENTERED INTO PURSUANT TO THIS RESOLUTION

**ISSUE/REQUESTED ACTION**

Whether the Board should accept the funding recommendations for the Miami-Dade County Homeless Trust, for the award of contracts and grants, in an annual amount not to exceed \$8,252,694.03 and a total amount not to exceed \$25,192,082.09 made pursuant to a Request for Application process to select not-for-profit providers of homeless housing and services for Fiscal Years 2018-21, and for-profit service providers for Fiscal Years 2018-23.

Whether the Board should authorize the County Mayor to receive and expend Diversion First Mental Health Program funds in an amount not to exceed \$250,000.00 for Fiscal Year 2018-19.

Whether the Board should authorize the County Mayor to execute agreements, some of which may exceed one million dollars if renewed, with the selected not-for-profit and for-profit service providers, after approval by the County Attorney's Office.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes, Section 212.0306, governs the local option food and beverage tax. It states that

(1) Any county, as defined in Section 125.011, may impose the following additional taxes, by ordinance, adopted by a majority vote of the governing body:

- (a) At the rate of 2 percent of the sale of food, beverages, or alcoholic beverages in hotels and motels only;
- (b) At the rate of 1 percent on the sale of food, beverages for consumption on the premises, except for hotels and motels; however, the tax shall not apply to any alcoholic beverage sold by the package for off-premises consumption.

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0200-0299/0212/Sections/0212.0306.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0200-0299/0212/Sections/0212.0306.html)

Ordinance No. 94-66, adopted by the Board on May 3, 1994, created the Dade County Homeless Trust.

<http://www.homelesstrust.org/library/ordinance-94-66.pdf>

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**Research Notes**

Resolution No. R-708-17, adopted by the Board on July 6, 2017, urges the Florida Legislature to support funding for the Diversion First Mental Health Program.

<http://intra/gia/matter.asp?matter=171652&file=true&yearFolder=Y2017>

**PROCEDURAL HISTORY**

**Prime Sponsor: N/A**

**Department/Requester: Miami-Dade County Homeless Trust**

The proposed resolution was considered at the July 17, 2018 meeting of the Housing and Social Services Committee; and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

In the early 1990s, more than 8,000 people were camping on the streets and sidewalks of Miami-Dade County. Health standards were compromised and street safety was dubious. Independent non-profit organizations were overwhelmed. In 1992, Governor Lawton Chiles appointed leaders to a Governor's Commission on Homelessness to create a plan to tackle the problem of homelessness. This led to the creation of the Miami-Dade Homeless Trust. In 1993, the Board of County Commissioners approved a Plan to End Homelessness and outlined the functions of the Trust.

The Trust is not a direct service provider. Rather, it is responsible for the implementation of policy initiatives developed by the Miami-Dade County Homeless Trust Board, and the monitoring of contract compliance by agencies contracted by the County, through the Trust, for the provision of housing and services for homeless persons. Through its policies and procedures, the Trust also oversees the utilization of the food and beverage tax proceeds dedicated for homes purposes, as well as other funding sources to ensure the implementation of the goals. Additionally, the Trust serves as the lead applicant on behalf of the County for federal and State funding opportunities, tracks homelessness data and develops and implements the annual process to identify gaps and needs of the homeless population.

The proposed resolution seeks the Board's approval of the funding recommendations for the Miami-Dade County Homeless Trust, for the award of contracts and grants, in an annual amount not to exceed \$8,252,694.03 and a total amount not to exceed \$25,192,082.09 made pursuant to a Request for Application (RFA) process to select not-for-profit providers of homeless housing and services for Fiscal Years 2018-21, and for-profit service providers for Fiscal Years 2018-23.

Over the last five years, the Homeless Trust has awarded the following amounts to not-for-profit, and for-profit organizations under the Food and Beverage Tax program:

FY 2017 - \$21,631,831  
FY 2016 - \$19,475,436  
FY 2015 - \$17,023,463  
FY 2014 - \$16,996,384  
FY 2013 - \$14,519,376

Miami-Dade County is home to the nation's largest percentage of people living with serious mental illness in an urban community. The Diversion First Mental Health Program, formerly known as the Gap Funding Project, provides housing and wrap-around behavioral health treatment to homeless individuals referred by the Eleventh Judicial Circuit, who have experienced psychiatric hospitalizations and/or criminal justice involvement, and are willing to participate in jail diversion programming. The Diversion First Mental Health Program will serve homeless persons with Severe Mental Illness referred as part of the Eleventh Judicial Circuit's Criminal Mental Health Project. This special appropriation from the Florida Legislature was a Legislative Priority of the Board per Resolution No. R-708-17.



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The proposed resolution also seeks the Board’s authorization for the county Mayor to receive and expend Diversion First Mental Health Program funds in an amount not to exceed \$250,000.00 for Fiscal Year 2018-19.

In addition, the proposed resolution seeks the Board’s authorization for the County Mayor to execute agreements, some of which may exceed one million dollars if renewed, with the selected not-for-profit and for-profit service providers, after approval by the County Attorney’s Office.

The contracts awarded to not-for-profit and for-profit service providers and government agencies pursuant to the 2013 and 2015 RFA processes will expire on September 30, 2018. The Food and Beverage funded RFA was duly noticed and advertised and became available on February 7, 2018. Accepting the funding recommendations made pursuant to the RFA at this time will allow the County sufficient time to enter into contracts and commence Food and Beverage Tax funded services on October 1, 2018, and the state funded Diversion First Mental Health on July 1, 2018, the start of the state’s fiscal year.

The following table provided the number of homeless people who have been positively affected by this assistance since 2015, as HUD began collecting these statistics in FY 2015.

<b>Fiscal Year</b>	<b>Universe of unduplicated persons who exited shelter, Transitional Housing and short-term rental assistance</b>	<b>Number who exited to permanent destinations</b>	<b>Percentage who exited to permanent destinations</b>
2015	6555	4165	64%
2016	6671	4186	63%
2017	6754	3991	59%

According to the Fiscal Impact Statement, funding for housing and services is largely generated from Food and Beverage Tax revenue, which is designated for the provision of homeless housing and services. The total amount of Food and Beverage funding allocated for FY 2018-19 shall not exceed \$8,252,694.03 and renewal amounts will be no greater than \$8,252,694.03 annually (for each of the two one-year renewal periods). The total amount for the three-year period will not exceed \$24,758,082.09.

Further, the Fiscal Impact Statement indicates that renewal amounts for Fiscal Years 2021-2022 and FY 2022-23 for housing development and planning technical assistance and public relations, marketing and media relations will not exceed \$217,000.00 annually, for a five-year total of \$25,192,082.09. Separately, the Diversion First Mental Health Program, which provides Transitional Housing, will be funded by the Florida Department of Children and Families through South Florida Behavioral Health Network for FY 2018-19 and will be no greater than \$250,000.00.

**DEPARTMENT INPUT**

The Office of the Commission Auditor posed the following questions to the Miami-Dade Homeless Trust, and has received the following responses:

- How much money has the Homeless Trust awarded to not-for-profit, and for-profit organizations under the Food and Beverage Tax program over the last five years?

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**FY 2017 - \$21,631,831**  
**FY 2016 - \$19,475,436**  
**FY 2015 - \$17,023,463**  
**FY 2014 - \$16,996,384**  
**FY 2013 - \$14,519,376**

- What organizations have been funded and what types of services have they provided? **Below is a table of awards through the Food and Beverage Tax program.**

<b>Agency</b>	<b>Contract/Grant Number</b>	<b>Program/Service</b>	<b>Amount</b>
Camillus House	PC-1718-CARROLLMATCH	Cash Match CoC Grants-Archbishop Carroll	\$500,000.00
Citrus Health Network, Inc.	PC-1718-CMESG2016-A	ESG Match/HAND	\$575,000.00
Citrus Health Network, Inc.	PC-1718-CMESG2016-B	Annual Cash Match	\$200,000.00
The Sundari Foundation, Inc.	PC-1718-FAM-1	Emergency Housing-Families	\$742,069.00
The Sundari Foundation, Inc.	PC-1718-FAM-2	Emergency Housing-Families	\$496,757.00
Catholic Charities of the Archdiocese of Miami	PC-1718-FAM-3	Emergency Housing-Families	\$277,984.00
Camillus House, Inc.	PC-1718-HF-1	Permanent Housing-HF-Bethesda	\$199,186.00
Citrus Health Network, Inc.	PC-1718-HF-2	Permanent Housing-HF Kolapi II	\$750,000.00
Citrus Health Network, Inc.	PC-1718-HTMT-1	Placement Services, Hotel/Motel, MOA, ID Assist	\$25,000.00
City of Miami	PC-1718-HTMT-2	Placement Services, Hotel/Motel, MOA, ID Assist	\$459,960.00
City of Miami Beach	PC-1718-HTMT-3	Placement Services, Hotel/Motel, MOA, ID Assist	\$10,000.00
City of Miami	PC-1718-ID-1	ID Assist	\$12,500.00
City of Miami Beach	PC-1718-ID-2	ID Assist	\$25,000.00
The Sundari Foundation, Inc.	PC-1718-IND-1	Emergency Housing-Individuals	\$319,193.00
Chapman Partnership, Inc.	PC-1718-IND-2	Emergency Housing-Individuals	\$352,100.00
Camillus House, Inc.	PC-1718-IND-4	Emergency Housing-Individuals	\$435,262.00
The Salvation Army	PC-1718-IND-5	Emergency Housing-Individuals	
City of Miami	PC-1718-MOA	MOA	\$340,000.00

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Citrus Health Network, Inc.	PC-1718-MYVMATCH	Cash Match CoC Grants-My Voice	\$300,000.00
Camillus House, Inc.	PC-1718-Prevention	Homeless Prevention	\$500,000.00
Camillus House, Inc.	PC-1718-SPEC-OUT	Specialized Outreach-Proj. Lazarus	\$635,300.00
Advocate Program	PC-1718-SSO-VETS-1	Supportive Services Vets-Match	\$100,000.00
Camillus House, Inc.	PC-1718-SSO-VETS-1	Supportive Services Vets-Match	\$100,000.00
City of Miami	PC-1718-STAFF-1	HMIS Staffing	\$24,666.00
City of Miami Beach	PC-1718-STAFF-3	HMIS Staffing	\$12,333.00
The Sundari Foundation, Inc.	PC-1718-STRIKE-1		\$441,650.00
Camillus House, Inc.	PC-1718-STRIKE-2	Emergency Housing-Strike Force	\$254,580.20
New Hope Corps, Inc.	PC-1718-TH-1	TH-Substance Abuse (Male)	
City of Miami	PC-617-STAFF-3	Supplemental Staffing	\$120,000.00
Appletree Perspective, Inc.	PC-1718-TECH	HT for-profit Services	\$65,000.00
Bowman Internet Systems	PC-1718-HMIS	HT for-profit Services	\$100,000.00
The M Network, Inc.	PC-1718-PUBREL	HT for-profit Services	\$202,600.00

- How many homeless people have been positively affected by this assistance? **We used the HUD System Performance to answer this question. HUD began collecting these statistics in FY 2015.**

<b>Fiscal Year</b>	<b>Universe of unduplicated persons who exited shelter, Transitional Housing and short-term rental assistance</b>	<b>Number who exited to permanent destinations</b>	<b>Percentage who exited to permanent destinations</b>
2015	6555	4165	64%
2016	6671	4186	63%
2017	6754	3991	59%

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**Research Notes**

**Item No. 11A5**  
**File No. 181651**

**Researcher: PGE Reviewer: TD**

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF ONE COUNTY-OWNED PROPERTY, WHICH IS LOCATED AT 2721 NW 44 STREET, MIAMI, FLORIDA, TO SIMCAR DEV, LLC, A FLORIDA LIMITED LIABILITY COMPANY, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTY WITH AFFORDABLE HOUSING TO BE SOLD TO A VERY LOW- LOW- OR MODERATE INCOME HOUSEHOLD IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve conveyance of County property to SIMCAR DEV, LLC for \$10 for the purpose of developing such property with affordable housing to be sold to a very low-, low- or moderate income household in accord with the Infill Housing Program.

**APPLICABLE LEGISLATION/POLICY**

Section 125.379 of the Florida Statutes governs the disposition of county property for affordable housing and requires each county to prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing; properties identified as appropriate for use as affordable housing on the inventory list adopted by the county may be offered for sale and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing, or may be sold with a restriction that requires the development of the property as permanent affordable housing, or may be donated to a nonprofit housing organization for the construction of permanent affordable housing.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

Section 125.411 Florida Statutes provides the form to be used for deeds of conveyance of land.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.411&URL=0100-0199/0125/Sections/0125.411.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html)

Section 17-121 of the Miami-Dade County Code relates to the Infill Housing Initiative Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVIIIHOIN\\_S17-121TIPU](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIIHOIN_S17-121TIPU)

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

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

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Implementing Order No. 3-44 establishes the process for the implementation and management of the Infill Housing Initiative Program for Miami-Dade County.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

Miami-Dade County Administrative Order No. 8-4 states that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded herein, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.

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

Resolution No. R-376-11, adopted on May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

Resolution No. R-333-15, adopted April 21, 2015, establishes County policy 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.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

Resolution No. R-979-17, adopted on November 7, 2017, declared the County properties at issue in the proposed resolution surplus and added such properties to the County's inventory list of affordable housing sites.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-979-17.pdf>

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

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

Resolution No. R-380-17, adopted by the Board on April 4, 2017, established the policy requiring the County Mayor to provide written notification to the District Commissioner in which the County-owned property lies no less than four weeks prior to placing any item on the agenda requesting approval of the sale, lease or surplus of County-owned property.

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

**PROCEDURAL HISTORY**

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

**Requester/Department: N/A**

This item was considered by the Housing and Social Services Committee at its July 17, 2018 meeting and was forwarded to the BCC with a favorable recommendation.

**ANALYSIS**

The resolution authorizes conveyance of County-owned property to SIMCAR DEV, LLC for \$10 for participation in the County's Infill Housing Program. SIMCAR DEV, LLC is an active, Florida limited liability company, with a principal address of 5432 NW 193 Lane, Miami, Florida. The subject property, which is located at 2721 NW 44 ST, Miami, Florida, in District 3, represented by Commissioner Edmonson, is 6,960 square feet. The SIMCAR project will offer up to 5,000

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square feet of retail with two housing units for sale. In its letter to Commissioner Edmonson requesting to participate in the Infill Housing Program, SIMCAR states that it controls the properties abutting the County parcel and through the requested conveyance intends to maximize development capacity for a mixed use retail and affordable housing project in the Model City community.

Under the County Deed, for and in consideration of the sum of \$10 paid by SIMCAR, the County grants SIMCAR the property located at 2721 NW 44 ST, Miami, Florida. The Property Appraiser's Detailed Report shows an assessed value of \$22,491 for the property for calendar year 2018. The annual maintenance cost is \$304.

Pursuant to the County Deed, SIMCAR is required to sell the redeveloped units to a qualified homebuyer whose income range is established up to 140 percent of the most recent median family income for the County as reported by the United States Department of Housing and Urban Development. The property must be developed within two years of the recording of the deed as evidenced by the issuance of a final Certificate of Occupancy. The Deed further stipulates that under no circumstances shall the sales price of the home exceed \$205,000. If no waiver is recorded and a Certificate of Occupancy is not issued within two years from the date of the Deed, any party may rely upon the fact that the reverter has occurred and that title has reverted to the County.

**ADDITIONAL INFORMATION**

The Public Housing and Community Development Department oversees the Infill Housing Initiative Program and has developed guidelines for the administration of the program. The guidelines summarize the infill development process and requirements to be followed by developers.

<http://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

Infill Housing Homebuyer Requirements can be found at the below link.

<http://www.miamidade.gov/housing/infill-housing-homebuyers.asp>

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**Research Notes**

**Item No. 11A11**  
**File No. 181503**

**Researcher: MF Reviewer: TD**

RESOLUTION AUTHORIZING CONVEYANCE, PURSUANT TO SECTION 125.379(2), FLORIDA STATUTES, OF FOUR COUNTY-OWNED PROPERTIES TO THE HOUSING LEAGUE, INC., A FLORIDA NOT-FOR-PROFIT CORPORATION, AT A PRICE OF \$10.00, FOR THE PURPOSE OF DEVELOPING SUCH PROPERTIES WITH AFFORDABLE HOUSING TO BE SOLD TO VERY LOW- LOW- OR MODERATE INCOME HOUSEHOLDS IN ACCORDANCE WITH MIAMI-DADE COUNTY'S INFILL HOUSING INITIATIVE PROGRAM; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD OF COUNTY COMMISSIONERS TO EXECUTE A COUNTY DEED; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO ENFORCE THE PROVISIONS SET FORTH IN SUCH COUNTY DEED AND TO ENSURE PLACEMENT OF APPROPRIATE SIGNAGE

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the conveyance of four County-owned properties to the Housing League, Inc., at a price of \$10.00, for the purpose of developing such properties with affordable housing to be sold to very low, low, or moderate income households in accordance with Miami-Dade County's Infill Housing Initiative Program.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes, Section 125.379(1), requires each County to prepare an inventory list at least every three years of all real County properties that are appropriate for use as affordable housing and further allows the governing body of the County to revise the inventory list upon conclusion of a public hearing held before the governing body.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

Florida Statutes, Section 125.379(2), prescribes the County's authority as to the County properties identified as affordable housing.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.379&URL=0100-0199/0125/Sections/0125.379.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.379&URL=0100-0199/0125/Sections/0125.379.html)

Florida Statutes, Section 125.411, relates to deeds of conveyance of lands.

[http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=125.411&URL=0100-0199/0125/Sections/0125.411.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=125.411&URL=0100-0199/0125/Sections/0125.411.html)

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

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

Miami-Dade County Code, Section 17-121, relates to the Infill Housing Initiative Program, whose purpose is to increase the availability of affordable homes for very low, low and moderate income persons, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant lots and dilapidated or abandoned properties, to equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH17HO\\_ARTVIIINHAIN\\_S17-121TIPU](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH17HO_ARTVIIINHAIN_S17-121TIPU)

Miami-Dade County Implementing Order No. 3-44 establishes the process for the implementation and management of the Infill Housing Initiative Program (Infill Program) for Miami-Dade County.

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**Research Notes**

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-44.pdf>

Miami-Dade County Administrative Order No. 8-4 states that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded by the AO, a recommendation will be requested from the Planning Advisory Board to indicate whether the proposal is in the public interest and recommending proper land use classification, if applicable.

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

Resolution No. R-376-11, adopted on May 3, 2011, directs that any resolution authorizing the rehabilitation, improvement or conveyance of County-owned real property appropriate for or to be used as affordable housing shall include detailed information on the property and the County's investment and future control.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2011/R-376-11.pdf>

Resolution No. R-333-15, adopted on April 21, 2015, establishes 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.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2015/R-333-15.pdf>

Resolution No. R-979-17, adopted on November 7, 2017, declared County properties at issue in the proposed resolution surplus and added such properties to the County's inventory list of affordable housing sites.

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2017/R-979-17.pdf>

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

<https://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

## **PROCEDURAL HISTORY**

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

The proposed resolution was considered at the July 17, 2018 meeting of the Housing and Social Services Committee; and was forwarded to the BCC with a favorable recommendation.

## **ANALYSIS**

On March 7, 2018, the Housing League, Inc. (Housing League) submitted an application to Commissioner Moss requesting that the County convey four County-owned vacant properties located in District 9, in order to build affordable housing for sale to very low, low or moderate income households through the Miami-Dade County Infill Housing Initiative Program. According to Section 17-121 of the Miami-Dade County Code, "... any County owned parcel or parcels of property identified as appropriate for infill housing may be transferred, sold or otherwise conveyed to a qualified developer through a competitive solicitation established by the County or in accordance with Section 125.379 (2), Florida Statutes, for the development of infill housing". Section 125.379, Florida Statutes, provides that "the properties identified as appropriate for use as affordable housing on the inventory list adopted by the County may be offered for sale ... or may be donated to a non-profit housing organization for the construction of permanent affordable housing".

The proposed resolution authorizing conveyance of real property to the Housing League, at a price of \$10.00, would further the purpose of making affordable housing available to needy households in accordance with the Infill Program.



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The purpose of the Infill Housing Program is to increase the availability of affordable homes for very low, low, and moderate income persons and households; maintain a stock of affordable housing; redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes. Between January 1, 2017 and December 12, 2017, 27 homes were sold under the Infill Housing Program.

<https://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

On November 7, 2017, the Board adopted Resolution No. R-979-17, declaring the four County properties, among others, surplus and added those properties to the County's inventory list of affordable housing sites as required by Section 125.379 (1) of the Florida Statutes. Pursuant to Administrative Order No. 8-4, the Internal Services Department determined that there was no County interest in the properties.

According to the letter sent by Mr. Jerry Flick, President of the Housing League, to Commissioner Moss, the company requested conveyance of the four properties to develop single family homes meeting the criteria set forth in the Infill Housing Program. Mr. Flick indicated that if zoning permits, he may split one of the lots and build two single-family dwellings. Therefore, the number of housing may be 4 or 5 dwellings developed on the 4 lots. The Infill Housing Program has a sales cap of \$205,000. The sales price needs to be lower than the sales cap, or the appraised value ordered by the 1<sup>st</sup> mortgage lender.

Folio No. 16-7825-010-1080; single family, to be sold; land value \$20,625; square footage 7,500



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Folio No. 30-6912-004-0500; single family, to be sold; land value \$18,720; square footage 6,240



Folio No. 30-6912-008-0570; Single family, to be sold; land value \$21,150; square footage 7,050



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Folio No. 30-6912-007-0040; single family, to be sold; land value \$42,300; square footage 14,100



The four County properties will be conveyed to the Housing League, subject to a reverter, on the condition that the Housing League develops each of the County properties with affordable housing to be sold to very low, low, or moderate income households within two years of the effective date of the conveyance, unless time is extended at the discretion of the Board. The main restrictions on the conveyance Deed are:

- That the properties be developed by the Housing League as defined by and in accordance with the requirements of the Infill Housing Initiative Program;
- That the properties shall be developed within two years of the recording of the Deed, as evidenced by the issuance of a final Certificate of Occupancy;
- That the dwelling units developed on the properties be sold to qualified households, but under no circumstances shall the sales price of the home exceed \$205,000;
- That for any of the properties located within the HOPE IV Target Area, the Housing League shall comply with the requirements set forth in Resolution No. R-1416-08, including but not limited to providing former Scott/Carver residents the right of first refusal on all units to be sold within the Target Area;
- That the Housing League shall not assign or transfer its interest in the properties in the Deed absent consent of the Miami-Dade County Board of County Commissioners, with the exception of any conveyance to qualified homebuyers;

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- The Housing League shall require that the qualified household purchasing the eligible home execute and record simultaneously with the Deed of Conveyance from Southeast to the qualified household the County's "Affordable Housing Restrictive Covenant";
- That the Housing League shall pay real estate taxes and assessments on the properties or any part thereof when due.

The proposed resolution will save the County approximately \$1,521.00 (for all lots) annually, which is the cost of monitoring the properties and maintaining the lawn. In addition, the new homes will generate real estate taxes for the County.

**ADDITIONAL INFORMATION**

The Public Housing and Community Development Department oversees the Infill Housing Initiative Program and has developed guidelines for the administration of the program. The guidelines summarize the infill development process and requirements to be followed by developers.

<http://www.miamidade.gov/housing/library/guidelines/infill/infill-housing.pdf>

Infill Housing Homebuyer Requirements can be found at the below link:

<http://www.miamidade.gov/housing/infill-housing-homebuyers.asp>

The Housing League, Inc. is an independent, non-profit corporation based in Coral Gables providing affordable housing for low to moderate income families by working with private and public developers to create affordable housing opportunities. Since its inception in 1998 the Housing League has developed, sold and closed hundreds of homes in six states.

<http://www.thehousingleague.org/aboutus.html>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), the Housing League, Inc., has an active status as a Florida Not-for-Profit Corporation and first filed and registered on 6/11/1998. The principal address is registered as 2046 Treasure Coast Plaza, Vero Beach, FL 32960. Its registered agent is Jerry Flick, 2046 Treasure Coast Plaza, Suite A370, Vero Beach, FL 32960.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

A newspaper article dated May 24, 2016, entitled "How poor is Miami? The rich earn \$40 for every \$1 earned by the poor," states that "Miami-Dade County has one of the least affordable housing markets in the nation. People are considered 'cost-burdened' by housing when more than 30 percent of income goes toward a place to live. By that measure, Miami-Dade has the third most cost-burdened housing market in the country, behind two counties in the New York area. In Miami-Dade, 51 percent of households are considered cost-burdened".

<http://www.miamiherald.com/news/local/community/miami-dade/article79670752.html>

**DEPARTMENT INPUT**

The Office of the Commission Auditor posed the following questions to the Public Housing and Community Development Department, and has received the following responses:

- Please provide the number of housing units projected for the properties. **Mr. Flick for the Housing League, has indicated that if zoning permits, he may split one of the lots and build two single-family dwellings. Therefore, the number of housing may be 4 or 5 dwellings developed on the 4 lots.**
- Please provide information on the home specifications (how many bedrooms, bathrooms, square footage and price range). **The Infill Program has a sales cap of \$205,000. The sales price needs to be lower than the sales cap, or the appraised value which is ordered by the 1<sup>st</sup> mortgage lender.**

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Below are the housing models that will be used:

Mango is a two-bedroom/one bath house to be developed on 753 square feet at a sale price of \$165,000.

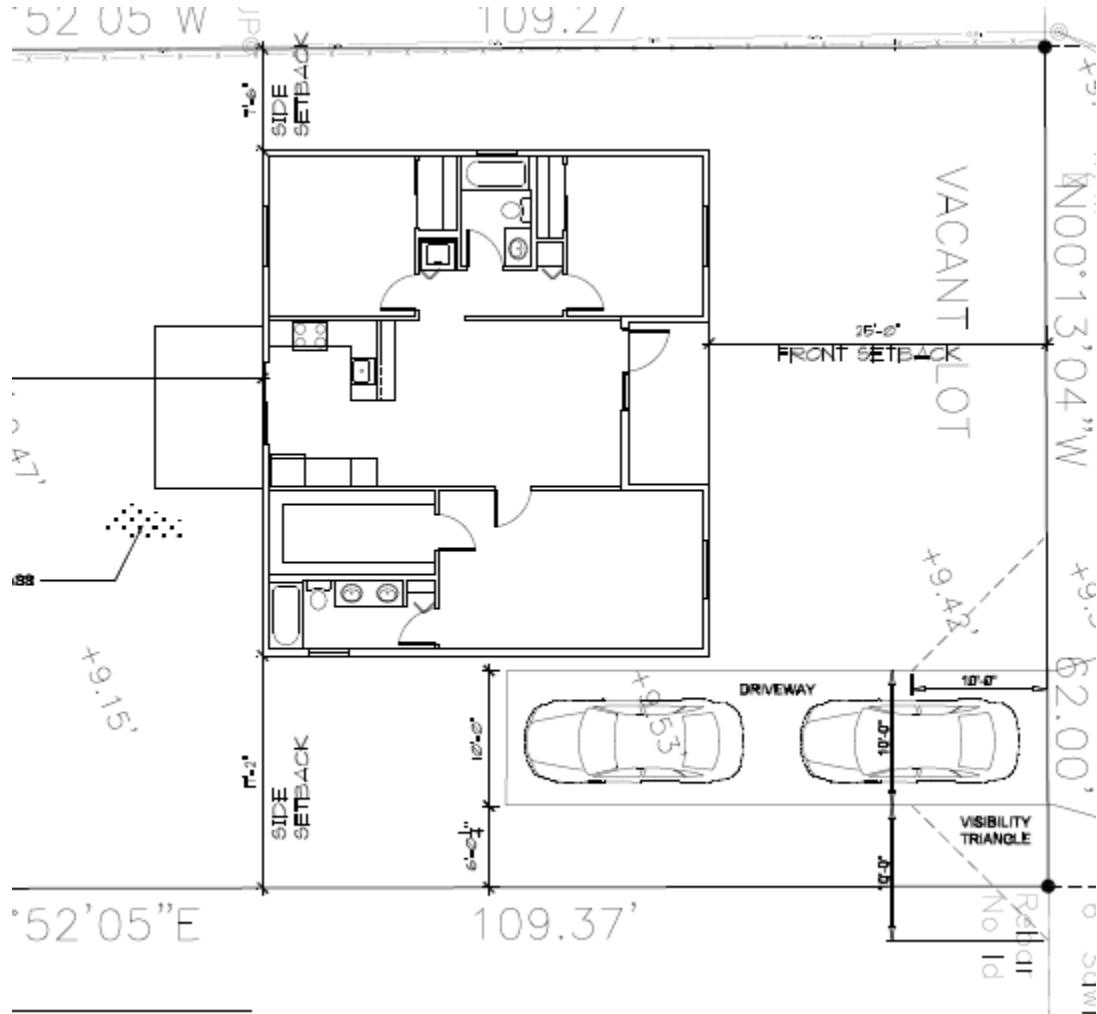


Avocado is a three-bedroom/two baths house to be developed on 1,220 square feet at a sale price of \$198,000.



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Coconut is a three-bedroom/two baths house to be developed on 1,220 square feet at a sale price of \$205,000.



- Please provide some indication as to the economic impact of this item. **The Infill Housing Program is intended to increase the availability of affordable homes for very low-, low- and moderate-income persons and households, maintain a stock of affordable housing, redevelop urban neighborhoods by eliminating the blight of vacant, dilapidated or abandoned properties; equitably distribute homeownership opportunities within the Infill Target Areas, and generate payment of ad valorem taxes.**