

MEMORANDUM

CPC

Agenda Item No. 2(B)

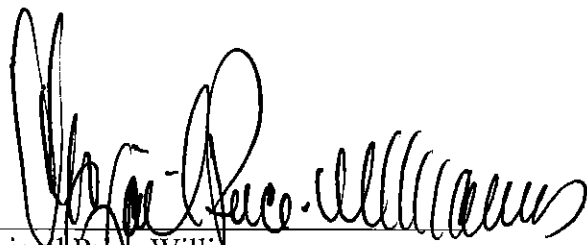
TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: May 4, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the Mayor to solicit interest from developers, financiers, real estate investment companies, contractors, builders and others to design, build, finance, operate and/or maintain a new county civil courthouse; and to prepare a report recommending a procurement mechanism for the acquisition of such courthouse and appropriate funding sources for the total anticipated lifecycle costs of such courthouse

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/lmp



MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: June 6, 2017

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☒ "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
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
6-6-17

RESOLUTION NO. _____

RESOLUTION DIRECTING THE MAYOR OR THE MAYOR'S DESIGNEE TO SOLICIT INTEREST FROM DEVELOPERS, FINANCIERS, REAL ESTATE INVESTMENT COMPANIES, CONTRACTORS, BUILDERS AND OTHERS TO DESIGN, BUILD, FINANCE, OPERATE AND/OR MAINTAIN A NEW COUNTY CIVIL COURTHOUSE AND TO PREPARE A REPORT RECOMMENDING A PROCUREMENT MECHANISM FOR THE ACQUISITION OF SUCH COURTHOUSE AND APPROPRIATE FUNDING SOURCES FOR THE TOTAL ANTICIPATED LIFECYCLE COSTS OF SUCH COURTHOUSE

WHEREAS, Article V, section 14 of the Florida Constitution provides that counties are required to fund the cost of construction, operations and maintenance of facilities for the state trial courts; and

WHEREAS, the Miami-Dade County Courthouse located at 73 W. Flagler Street ("1928 Courthouse") is in need of substantial repairs and may no longer be able to serve the needs of Miami-Dade County; and

WHEREAS, due to its age and the growth of the civil justice system, the 1928 Courthouse is overcrowded and faces a wide range of problems due to its design and spacing and the functions it seeks to accommodate; and

WHEREAS, the state of the 1928 Courthouse has been recognized in the Perez and Perez and Dan L. Wiley and Associates' Court Master Plan conducted on behalf of Miami-Dade County ("Court Master Plan") and requires attention and action, and

WHEREAS, the condition of the 1928 Courthouse presents extraordinary challenges to the delivery of essential services, constitutes an immediate need to Miami-Dade County, and require quick action; and

WHEREAS, Miami-Dade County owns or controls properties throughout the County which are currently underutilized and may be evaluated as potential sites for new county civil court facilities or may be exchanged for another privately-owned parcel that can be used as the site for a new county civil court facility; and

WHEREAS, on December 4, 2014, this Board adopted Resolution No. R-1084-14, which, among other provisions, directed the Mayor or the Mayor's designee to perform any future work to repair and/or replace the 1928 Courthouse through a transparent, competitive solicitation process open to all qualified vendors in accordance with the law; and

WHEREAS, on February 3, 2015, this Board adopted Resolution No. R-151-15, which, among other provisions, directed the County Mayor or County Mayor's to explore the possibility of establishing a public private partnership to design, build, finance, operate and maintain a new civil, criminal and jail facilities for the County; and

WHEREAS, on February 3, 2015, this Board also adopted Resolution No. R-144-15, which established a Court Capital Infrastructure Task Force and such task force confirmed the need for new county civil court facilities; and

WHEREAS, on June 21, 2016, this Board adopted Resolution No. R-562-16, which established a Second Court Capital Infrastructure Taskforce and such second task force recommended, among other things, a delivery method for a new county civil courthouse as a conventional "design, bid, build," or potentially a public private partnership arrangement; and

WHEREAS, the Board now desires to move forward with the development of a new county civil courthouse to address the needs created by the growing inadequacies of the 1928 Courthouse; and

WHEREAS, the Board now desires that the County Mayor or County Mayor's designee solicit expressions of interest from developers, financiers, real estate investment companies,

contractors, builders and others to design, build, finance, operate and/or maintain a new county civil courthouse to address the needs created by the growing inadequacies of the 1928 Courthouse as expressed in the Court Master Plan; and

WHEREAS, the Board desires that the County Mayor or County Mayor's designee recommend the most effective delivery mechanism for a new county civil courthouse that meets the standards set forth in the Court Master Plan at the lowest overall cost to the taxpayers of Miami-Dade County; and

WHEREAS, the Board desires that the County Mayor or County Mayor's designee identify funding sources for the design, construction, operation and maintenance of a new civil courthouse,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The County Mayor or County Mayor's designee is hereby directed to issue a Request for Expressions of Interest ("EOI") to solicit interest and suggestions from developers, financiers, real estate investment companies, contractors, builders and others on the best method to design, build, finance, operate and maintain a new county civil courthouse in accordance with the provisions of this resolution. The EOI shall provide a general description of the County's 1928 Courthouse and the need for a new county civil courthouse. The EOI shall identify key factors for the new county civil courthouse including but not limited to:

- An accessible location near the 1928 Courthouse proximate to public transportation;
- Approximately 600,000 gross square feet of building area, with 46 finished courtrooms at completion, chambers and all support services;
- Ability to accommodate expansion to a total of 50 courtrooms by the year 2035 through the repurposing of restricted or public space;

- One to two courtrooms per civil jury suite;
- Of the 600,000 gross square feet of building area, approximately 50,000 square feet of office and administrative space for the Clerk of Court to perform its functions;
- Separate public and judicial/staff circulation;
- Single point of public entry for security and weapon screening as well as other security features;
- Area for food services capable of serving courthouse employees and visitors;
- Sustainable construction and operation features including the use of durable materials; and
- Integration of modern technology including systems for recordkeeping, system queuing, audio/video conferencing, courtroom audio/video recording, and evidence presentation.

Section 2. The EOI shall identify all County land available for either the location of a new county civil courthouse, an exchange for other privately-owned land, or an asset contribution towards the overall cost of the design, construction, operation and maintenance of a new civil courthouse. The EOI shall also identify the County's anticipated total construction and lifecycle cost of the new county civil courthouse, any identified financial and asset contributions the County is currently able to commit to the anticipated construction and lifecycle costs of a new county civil courthouse, and expected shortfall in the ability of the County to pay for the identified construction and lifecycle costs.

Section 3. The EOI shall request that interested parties submit either suggestions for the location and method of solicitation of a civil courthouse or detailed plans for the design, construction, operation and/or maintenance of a new county civil courthouse at an identified location which may serve as the basis of further negotiation with the County. The EOI shall also requests that interested parties include proposals for the future use, lease or sale of the 1928 Courthouse either as part of their proposal for a new civil courthouse or as a separate proposal.

The EOI shall require that any response include an estimate of the anticipated total construction and lifecycle cost of the proposed courthouse and identify all funding sources the respondent suggests the County utilize to meet the anticipated costs of the proposal. No response to the EOI shall be considered which does not include the anticipated cost and recommended funding source for the design, construction, operation and/or maintenance of a new county civil courthouse.

Section 4. The County Mayor or County Mayor's designee shall require that all responses be received within 45 days from the issuance of the EOI.

Section 5. Within 45 days of the receipt of responses to the EOI, the County Mayor or County Mayor's designee shall issue a report to the Board recommending either: (1) the issuance of a competitive solicitation for a conventional request for proposal or a public private partnership arrangement for the design, construction, operation, finance and/or maintenance of a new county civil courthouse; or (2) the waiver of competitive bidding and direct negotiation with one or more of the respondents to the EOI to act as a master developer on behalf of the County to design, construct, operate, finance and/or maintain a new county civil courthouse in accordance with all State and County requirements for the competitive selection of architects, engineers and contractors. The report shall identify the total anticipated lifecycle cost of the new county civil courthouse and shall identify a recommended funding source to meet all anticipated costs.

Section 6. The County Mayor or County Mayor's designee shall place such report on the agenda of the Board of County Commissioners pursuant to Ordinance 14-65 at its next available meeting.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Jean Monestime	Dennis C. Moss
Rebeca Sosa	Sen. Javier D. Souto
Xavier L. Suarez	

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of June, 2017. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Oren Rosenthal