

MEMORANDUM

Agenda Item No. 11(A)(23)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: December 1, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving the waiver of formal bid procedures pursuant to section 5.03(d) of the Home Rule Charter and section 2-8.1(b) of the Code in connection with such agreements, by two-thirds vote of members present; directing the County Mayor to negotiate forward looking long term financial relief amendments with URW Airports LLC, Smarte Carte, Inc., Safe Wrap of Florida JV, LLC, and IMCMV MIA Airport LLC consistent with the long term financial relief provided to the other concessionaires within Miami International Airport; directing the County Mayor to negotiate forward looking long term financial relief with tenants at the Rental Car Center; and authorizing the County Mayor to negotiate and enter into such agreements without need for further action of the Board

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Chairman Jose "Pepe" Diaz.



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: December 1, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(23)

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 present , 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) 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. 11(A)(23)
12-1-21

RESOLUTION NO. _____

RESOLUTION APPROVING THE WAIVER OF FORMAL BID PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1(B) OF THE CODE IN CONNECTION WITH SUCH AGREEMENTS, BY TWO-THIRDS VOTE OF MEMBERS PRESENT; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE FORWARD LOOKING LONG TERM FINANCIAL RELIEF AMENDMENTS WITH URW AIRPORTS LLC, SMARTE CARTE, INC., SAFE WRAP OF FLORIDA JV, LLC, AND IMCMV MIA AIRPORT LLC CONSISTENT WITH THE LONG TERM FINANCIAL RELIEF PROVIDED TO THE OTHER CONCESSIONAIRES WITHIN MIAMI INTERNATIONAL AIRPORT; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE FORWARD LOOKING LONG TERM FINANCIAL RELIEF WITH TENANTS AT THE RENTAL CAR CENTER; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AND ENTER INTO SUCH AGREEMENTS WITHOUT NEED FOR FURTHER ACTION OF THE BOARD OF COUNTY COMMISSIONERS

WHEREAS, at the November 10, 2021 Chairman's Council of Policy, a motion was made directing the County Mayor or County Mayor's designee to provide forward looking long term relief to additional commercial tenants at Miami International Airport, consistent with the long term relief ultimately approved by the Board of County Commissioners for other concessionaires at Miami International Airport, contingent on the County Mayor recommending the waiver of competitive bidding requirements as needed to accomplish such amendments; and

WHEREAS, the County Mayor has recommended the waiver of competitive bidding requirements pursuant to section 5.03(d) of the Miami-Dade County Home Rule Charter in connection with amendments to the additional commercial tenants at Miami International Airport and the Rental Car Center referenced below, and a copy of such recommendation is currently on file with the Clerk of Board,

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

Section 1. For the reasons discussed at the November 10, 2021 Chairman's Council of Policy, and for the reasons proffered in the County Mayor's written recommendation, this Board determines that the waiver of competitive bidding in connection with the negotiation and execution of amendments for the identified concessionaires at Miami International Airport is in the best interest of Miami-Dade County and waives, by two-thirds vote of members present, the formal bid procedures pursuant to section 5.03(d) of the Home Rule Charter and the requirements of Section 2-8.1(b) of the Code.

Section 2. The County Mayor or County Mayor's designee is directed to negotiate forward looking long term financial relief amendments with URW Airports LLC, Smarte Carte, Inc., Safe Wrap of Florida JV, LLC, and IMCV MIA Airport LLC consistent with the financial relief provided to the other concessionaires within Miami International Airport, subject to compliance with the requirements of the Federal Aviation Administration, the Airport Amended and Restated Trust Agreement, and bond covenants.

Section 3. The County Mayor or County Mayor's designee is directed to negotiate forward looking long term financial relief amendments with tenants of the Rental Car Center, subject to compliance with the requirements of the Federal Aviation Administration, the Airport Amended and Restated Trust Agreement, the Transportation Infrastructure Finance and Innovation Act loan, and the Rental Car Center Operating Agreement, and bond covenants.

Section 4. This Board authorizes the County Mayor or County Mayor's designee to negotiate and enter into the amendments specified in sections 2 and 3 above, except to the extent such amendments are materially inconsistent with the terms of the long term relief approved by this Board for other concessionaires at Miami International Airport.

The Prime Sponsor of the foregoing resolution is Chairman Jose "Pepe" Diaz. 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:

- | | |
|---------------------------------------|------------------------|
| Jose "Pepe" Diaz, Chairman | |
| Oliver G. Gilbert, III, Vice-Chairman | |
| Sen. René García | Keon Hardemon |
| Sally A. Heyman | Danielle Cohen Higgins |
| Eileen Higgins | Joe A. Martinez |
| Kionne L. McGhee | Jean Monestime |
| Raquel A. Regalado | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of December, 2021. 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. DMM

David M. Murray