

Memorandum



Date: September 1, 2022
To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
From: Daniella Levine Cava
Mayor
Daniella Levine Cava
Subject: Request for Approval to Substitute Llorente & Heckler, P.A. with Marcelo Llorente,
P.A. as Associate Counsel in Pool No. RFQ-00527, Authority Bond Counsel

Agenda Item No. 8(F)(13)

Summary

This item is requesting the substitution of an associate counsel for *Pool No. RFQ-00527, Authority Bond Counsel*. The pool consists of three authority counsel law firms (senior counsel) with their associated law firms (associate counsel). Senior counsel Bryant Miller Olive P.A. (BMO) has requested the substitution of Llorente & Heckler, P.A. (Llorente Heckler) as associate counsel due to termination of the joint venture agreement between the firms.

The Finance Department has determined that the substitute counsel, Marcelo Llorente, P.A. (Marcelo Llorente), has the necessary qualifications and relevant experience to serve as an associate counsel to BMO for the County's bond counsel services. The Department uses this pool to acquire bond counsel services, on an as-needed basis, for the issuance of municipal bonds through the County's peripheral authorities, including, but not limited to, the Housing Finance, Industrial Development, Educational Facilities, and the Health Facilities Authorities.

Recommendation

It is recommended that the Board of County Commissioners approve replacing Llorente & Heckler with Marcelo Llorente as associate counsel in *Pool No. RFQ-00527, Authority Bond Counsel Pool*, for the Finance Department. The Department is not requesting additional expenditure authority or additional time for the existing pool.

The County established this competitively solicited pool on November 7, 2017 for a seven-year term under Resolution No. R-993-17. The pool consists of three authority bond counsel law firms (senior counsel) with their associated law firms (associate counsel). The pool is currently in the fifth year of the contract term. Each senior counsel is required to contractually engage with an associate counsel located in Miami-Dade County to expand the availability of small and local law firms with experience in public finance.

Background

Pursuant to the solicitation, if a senior or associate counsel terminates their contractual engagement, the County may, at its sole discretion and upon approval of the Board, permit the surviving counsel to make a substitution, provided that the replacement firm meets the applicable requirements set forth in the solicitation. BMO, the senior counsel, had a joint venture agreement with Llorente & Heckler, associate counsel. Due to Llorente & Heckler winding down their law firm, BMO terminated their joint venture agreement. Based on the process defined by the solicitation, BMO, the surviving counsel, requested an associate counsel substitution to replace Llorente & Heckler with Marcelo Llorente. The Department reviewed the substitution documents submitted in accordance with the criteria outlined in the solicitation and determined that Marcelo Llorente has the necessary qualifications and relevant experience to serve as an associate counsel to BMO for the County's bond counsel services, on an as-needed basis.

Scope

The impact of this item is countywide in nature.

Delegated Authority

There is no additional delegation of authority sought in this item as the authority to exercise all provisions of the solicitation documents and any resulting contracts pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38, subject to ratification by the Board on a bi-annual basis, was granted when the pool was established under Resolution No. R-993-17.

Fiscal Impact/Funding Source

The pool expires on February 28, 2025. The pool has a current cumulative allocation of \$4,200,000. There is no fiscal impact as this modification is not requesting additional expenditure authority. The funding source is Bond Proceeds.

Track Record/Monitor

Pearl Bethel of the Internal Services Department is the Procurement Contracting Manager.

Vendors Prequalified for Pool


Vendor	Principal Address	Local Address	Principal
Bryant Miller Olive, P.A.	1545 Raymond Diehl Road Suite 300 Tallahassee, FL	1 SE 3 Avenue Suite 2200 Miami, FL	JoLinda L. Herring
Foley & Lardner LLP	One Independent Drive Suite 1300 Jacksonville, FL	2 South Biscayne Boulevard Suite 1900 Miami, FL	Jay O. Rothman
Locke Lord LLP	777 South Flagler Drive Suite 215 East Tower West Palm Beach, FL	801 Brickell Avenue Suite 900 Miami, FL	Richard J. Miller

Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with the Internal Services Department’s Procurement Guidelines to determine contractor responsibility, including verifying corporate status and review of performance and compliance issues. The lists referenced include convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to contractor responsibility.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision applies where permitted by funding source.
- The Small Business Enterprise contract measures do not apply as these services are exempt per the Ordinance.
- Local Preference was applied in accordance with the ordinance.
- The Living Wage does not apply as the services are not covered by the Ordinance.



Edward Marquez
Chief Financial Officer



MEMORANDUM
(Revised)

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

DATE: September 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(13)

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. 8(F)(13)
9-1-22

RESOLUTION NO. _____

RESOLUTION APPROVING SUBSTITUTION OF ASSOCIATE
COUNSEL LLORENTE & HECKLER, P.A. WITH MARCELO
LLORENTE, P.A. IN THE MIAMI-DADE COUNTY
AUTHORITY BOND COUNSEL POOL, RTQ-00527, FOR THE
FINANCE DEPARTMENT

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 substitution of associate counsel Llorente & Heckler, P.A. with Marcelo Llorente, P.A in the Miami-Dade County Authority Bond Counsel Pool, RTQ-00527, to provide bond counsel services on an as needed basis, for the issuance of municipal bonds through the County's peripheral authorities, including, but not limited to, the Housing Finance, Industrial Development, Educational Facilities, and Health Facilities Authorities. A copy of the solicitation document and any resulting contract or engagement with the substituted counsel are on file and will be available upon request from the Internal Services Department, Strategic Procurement Division.

The foregoing resolution 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

Sally A. Heyman

Eileen Higgins

Kionne L. McGhee

Raquel A. Regalado

Sen. Javier D. Souto

Keon Hardemon

Danielle Cohen Higgins

Joe A. Martinez

Jean Monestime

Rebeca Sosa

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of September, 2022. 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.



Juliette R. Antoine