

Memorandum



Date: March 2, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

Agenda Item No. 8(H)(2)

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Resolution No. R-161-21

Subject: Recommendation for Approval to Reject an Unsolicited Proposal for the Design, Development, and Management of Elements within Pelican Harbor Marina’s North-East Side (Pelican Harbor)

Recommendation

It is recommended that the Board of County Commissioners (Board) approve rejection of an unsolicited proposal pursuant to Section 2-8.2.6 of the County Code. The unsolicited proposal offered to provide the design, development, and management of elements within Pelican Harbor Marina’s North-East Side (Pelican Harbor) for the Parks, Recreation and Open Spaces (PROS) department.

Scope

The unsolicited proposal project is located at 1275 NE 79th Street in County Commission District 3, which is represented by Commissioner Keon Hardemon.

Fiscal Impact/Funding Source

There is no fiscal impact to rejecting the unsolicited proposal. The proposal was accompanied by the initial application fee of \$25,000 required per County Code. The County will refund the application fee to the proposer.

Track Record/Monitor

Christina Salinas Cotter, Assistant Director for Performance Excellence, of the PROS department has overseen the review of the proposal.

Delegation of Authority

This item does not include any delegation of authority to the County Mayor or Mayor’s designee.

Background

The Parks, Recreation and Open Spaces Department received an unsolicited proposal on September 8, 2020 from Pelican Harbor Marina, LLC for the design, development, and management of elements within Pelican Harbor Marina. This proposal offered renovations to existing structures, landscaping, a restaurant, bar, management of marina operations, and security lighting upgrades.

As the unsolicited proposal met the basic requirements per Section 2-8.2.6 of the County Code to be considered for evaluation, and as the County was already in the process of upgrading the facilities, it was recommended that the unsolicited proposal be evaluated to explore the project purpose. Approval to evaluate the unsolicited proposal was granted by the County Mayor on October 8, 2020.

The unsolicited proposal was evaluated pursuant to Section 2-8.2.6 of the County Code that governs unsolicited proposals. The evaluation was performed by PROS parks stewardship and operations division, PROS planning, design, and construction division, PROS contracts management division, senior

executive level staff with responsibility over the various elements contained in the proposal, and in consultation with the Office of Management and Budget and the Department of Regulatory and Economic Resources (RER). The evaluation considered several factors pursuant to the County Code for unsolicited proposals to include: whether the project is in the public’s best interest; fiscal impact and financial structure; whether the project may be accomplished through the use of County or other resources; the need for the project; and contribution of the project to the County’s goals and objectives of parks stewardship, accessibility and inclusiveness. Based on the evaluation, it is recommended that the unsolicited proposal be rejected.

The unsolicited proposal presented the idea for the development of a new outdoor restaurant, utilizing the current community room at the dockmaster building as the kitchen. The dockmaster building was built with Building Better Communities General Obligation Bond funds and serves the community as a space that is open and accessible to the public for use at all times. This portion of the proposal is not in the public’s best interest and does not align with the County’s commitment to the community which voted for this project to provide use and access to the facility. Pelican Harbor is also constrained by limited parking space with no options for expansion or reconfiguration of parking areas to accommodate restaurant patrons.

Beyond the proposed outdoor restaurant, the unsolicited proposal did not present any other new or unique ideas for development and management of the marina. The County currently manages the marina on a first-come first-serve basis, ensuring access to all members of the public, and for the past 8 years, has sustained an average 98% occupancy levels with 99% of all wet slips occupied by local patrons. Additionally, after a review of Florida Inland Navigation District (FIND) grant and Florida Boating Improvement Plan (FBIB) grant requirements, while a private management structure is not prohibited by these grants, the private management structure and approach could not deviate from the current management structure without the County facing the risk of having to repay FIND and FBIB funds received over the last 20 years ranging from \$6 to \$10 million.

In evaluating the fiscal impact and the financial structure, the proposal, along with the additional information requested on December 18, 2020, and submitted by the proposer on January 6, 2021, indicated a revenue share to the County well in excess of the currently realized revenues for the marina utilizing the current fee structure. After careful review, it was determined the proposed revenues cannot be realized without a significant increase in the fees currently being charged and the possible displacement of current boat users docked in the marina. PROS ensures that services provided to the community are not only accessible but equitably distributed. On an annual basis, the department analyzes all fees to determine if changes are necessary based on demand, market comparisons, and equity. The latest usage data and demographics reflects that the highest number of customers utilizing Pelican Harbor are from Hialeah, Opa-Locka, Miami Shores, and North Miami areas. Increasing of marina fees at Pelican Harbor is not considered to be in the best interest of the County for equitable recreation marina access.

The proposal also offered a variety of renovations to existing structures, landscaping improvements, and security lighting enhancements. Beginning in FY 2019-20, the Board approved the Countywide Infrastructure Investment Program (CIIP) which is a program using County funds for much needed infrastructure improvements across the entire parks system, including marinas. As such, the department already has, as part of its 5-year capital plan for Pelican Harbor, improvements funded by CIIP and other funding sources such as FIND and FBIB that include enhancing the visitor and user experience throughout the park and marina with pedestrian, bicycle and vehicular access improvements, landscape

beautifications, security cameras and Wi-Fi upgrades, oil containment and wave attenuator replacements, dredging, fuel veeder system replacement and ADA transition improvement projects. Additionally, elements of the proposal presented in the conceptual design to include filling of tidal waters along the shoreline, would not be recommended by RER or feasible inside the Biscayne Aquatic Preserve. With conservation as a pillar of the department, PROS ensures capital improvement projects plan for and prescribe avoidance and minimization of environmental impacts to natural resources.

I wish to thank the proposer for preparing a very attractive and detailed proposal, which was carefully reviewed. However, based on the evaluation conducted by the County, it is recommended that the unsolicited proposal be rejected as a result of the determination that the proposal is not in the public’s best interest based on the factors of 1) equitability and alignment with both the County’s and the department’s goal of accessibility to parks facilities, including the current community room, 2) parking space limitations for the proposed restaurant, 3) negative environmental impacts to the shoreline and the Biscayne Aquatic Preserve, 4) the County’s risk of negative financial impact with longstanding grant partners, 5) deviation from the County’s current marina management structure that provides equitable access to utilize the marina to all patrons, and 6) the County’s current capital improvement plan to upgrade and enhance Pelican Harbor Marina.



Jimmy Morales

Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: March 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(H)(2)

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(H)(2)
3-2-21

RESOLUTION NO. R-161-21

RESOLUTION REJECTING, PURSUANT TO SECTION 2-8.2.6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, AN UNSOLICITED PROPOSAL TO PROVIDE THE DESIGN, DEVELOPMENT, AND MANAGEMENT OF ELEMENTS WITHIN PELICAN HARBOR MARINA'S NORTH-EAST SIDE

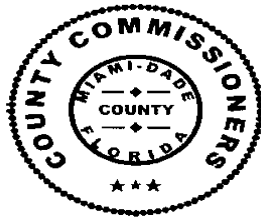
WHEREAS, this Board desire to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board, pursuant to Section 2-8.2.6 of the Code of Miami-Dade County, Florida, hereby rejects the unsolicited proposal to provide the design, development, and management of elements within Pelican Harbor Marina's North-East side for the Parks, Recreation and Open Spaces department.

The foregoing resolution was offered by Commissioner **Keon Hardemon** , who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of March, 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Melanie J. Spencer