

MEMORANDUM

Agenda Item No. 11(A)(13)

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

DATE: November 2, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution directing the County Mayor to develop procedures for: (1) allocating work to the Miami-Dade Aviation Department Miscellaneous Construction Contractor, (2) identifying and prioritizing Miscellaneous Construction Contractor projects, (3) monitoring of Miscellaneous Construction Contractor projects and expenditures, (4) establishing Miscellaneous Construction Contractor approval paths as well as delegated authority and accountability, and (5) providing general Miscellaneous Construction Contractor oversight guidelines; establishing guidelines for determining which Miscellaneous Construction Contractor staff are contract staff of the County and the circumstances under which such contract staff will be permitted to engage in outside employment, and providing for an ethics training program for such contract staff; directing the County Mayor to provide a report

Resolution No. R-1062-21

This item was amended at the 10-12-21 Airports and Economic Development Committee. The first whereas clause was amended to reflect that the contract encompassed construction management as well as construction work.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Danielle Cohen Higgins.



Geri Bonzon-Keenan
County Attorney

GBK/jp



MEMORANDUM

(Revised)

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

DATE: November 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(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. 11(A)(13)
11-2-21

RESOLUTION NO. _____ R-1062-21

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO DEVELOP PROCEDURES FOR: (1) ALLOCATING WORK TO THE MIAMI-DADE AVIATION DEPARTMENT MISCELLANEOUS CONSTRUCTION CONTRACTOR, (2) IDENTIFYING AND PRIORITIZING MISCELLANEOUS CONSTRUCTION CONTRACTOR PROJECTS, (3) MONITORING OF MISCELLANEOUS CONSTRUCTION CONTRACTOR PROJECTS AND EXPENDITURES, (4) ESTABLISHING MISCELLANEOUS CONSTRUCTION CONTRACTOR APPROVAL PATHS AS WELL AS DELEGATED AUTHORITY AND ACCOUNTABILITY, AND (5) PROVIDING GENERAL MISCELLANEOUS CONSTRUCTION CONTRACTOR OVERSIGHT GUIDELINES; ESTABLISHING GUIDELINES FOR DETERMINING WHICH MISCELLANEOUS CONSTRUCTION CONTRACTOR STAFF ARE CONTRACT STAFF OF THE COUNTY AND THE CIRCUMSTANCES UNDER WHICH SUCH CONTRACT STAFF WILL BE PERMITTED TO ENGAGE IN OUTSIDE EMPLOYMENT, AND PROVIDING FOR AN ETHICS TRAINING PROGRAM FOR SUCH CONTRACT STAFF; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE A REPORT

WHEREAS, the Miami-Dade Aviation Department (MDAD) has, since 1986, procured a Miscellaneous Construction Contract (MDAD MCC) for >>construction management and<<¹ construction work at Miami International Airport (MIA); and

WHEREAS, the MDAD MCC has historically allowed MDAD flexibility to quickly perform construction work at MIA to accommodate the needs of MIA's passengers, tenants, and airline users; and

¹Committee amendments are indicated as follows: Words stricken through and/or [[double bracketed]] are deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, MDAD has procured eight prior MDAD MCC contractors, and is currently procuring the ninth MDAD MCC contractor; and

WHEREAS, the MDAD MCC has additionally provided a vehicle for Small Business Enterprise-Construction (SBEC) firms to provide services at MIA, as the MDAD MCC contractor sometimes absorbs for its subcontractors much of the overhead to which a small contractor working under a direct contract to the County would ordinarily be subjected, such as bonding and insurance requirements; and

WHEREAS, the County has an established Miscellaneous Construction Contracts Program (the MCC 7040 program), which provides a prequalified pool of 100 percent SBEC contractors from whom County departments may solicit construction bids when the need for construction arises; and

WHEREAS, under the MDAD MCC, the County hires a single contractor, who then bids out subcontracts at the direction of the County, but who is otherwise responsible to the County for performance of the construction work; and

WHEREAS, under the MDAD MCC, the contractor may be responsible for multiple discrete construction projects; and

WHEREAS, under the MCC 7040 Program, the County contracts with individual contractors for individual construction projects; and

WHEREAS, the overhead on projects performed under the MDAD MCC is often higher than projects performed under the MCC 7040 Program; and

WHEREAS, the MDAD MCC may provide quicker construction solutions than contracting under the MCC 7040 Program; and

WHEREAS, Implementing Order 3-53 establishes a process for bidding work to the MCC 7040 Program; and

WHEREAS, while the MDAD MCC contract establishes how the County is to direct the MDAD MCC contractor, and establishes the process by which the MDAD MCC contractor is to bid and award subcontracts, there is no written process to which the County can refer in order to determine whether construction work at MIA should be performed by the MDAD MCC contractor or by a MCC 7040 Program contractor,

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

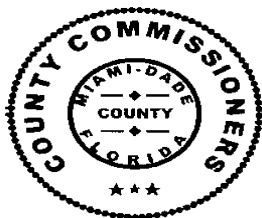
Section 1. Directs the County Mayor or County Mayor's designee to develop procedures for: (a) determining what work is allocated to the MCC contractor; (b) identifying and prioritizing MCC projects; (c) monitoring of MCC projects and expenditures; (d) establishing MCC approval paths as well as delegated authority and accountability; and (e) other general MCC oversight guidelines, to include reporting and tracking of project status and small business goal compliance. The procedures shall also contain guidelines for determining which MCC staff are contract staff of the County, the circumstances under which such contract staff will be permitted to engage in outside employment, and shall provide for an ethics training program for such contract staff.

Section 2. Directs the County Mayor or County Mayor's designee to provide a report directly to this Board of County Commissioners without placement on a committee agenda within 90 days of the effective date of this resolution, in accordance with Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Danielle Cohen Higgins. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** 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	absent
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 November, 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.

DMM

David M. Murray