

Memorandum



Date: January 19, 2022

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

Agenda Item No. 8(F)(16)

From: Daniella Levine Cava
Mayor

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

Resolution No. R-38-22

Subject: Recommendation for Approval to Cancel RFP-01982, Develop, Maintain and Operate Rickenbacker Causeways and Associated Recreational Elements

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the cancellation of *Request for Proposals (RFP) No. 01982, Develop, Maintain and Operate Rickenbacker Causeways and Associated Recreational Elements* that was issued for the Parks, Recreation and Open Spaces (PROS) Department and take no further action with respect to the unsolicited proposal received by the County earlier this year from a consortium of firms identified as the Plan Z Consortium. This recommendation to cancel the RFP and take no further action with respect to the unsolicited proposal is consistent with the attached *Report Providing Recommendation for the Rickenbacker Causeway*, issued to the Board on December 7, 2021. If the Board approves the cancellation of the RFP and takes no further action with respect to the unsolicited proposal, this will conclude the pending unsolicited proposal process and will allow for the County's professional staff and consultants to undertake the further development of the project and secure federal funds before developing and issuing a new solicitation later.

Additionally, based on the feedback received from members of the community at two public meetings I held, August 4, 2021 and December 6, 2021, and key stakeholders, as well as the recommendation from Commissioner Regalado set forth in her publicly-issued memorandum dated November 23, 2021, I am recommending that we proceed with the option to cancel the current RFP, take no further action with respect to the unsolicited proposal, and move forward with the project after further development and application for federal funding. This will allow the County to gather public input and develop a procurement process at a later date.

The County has budgeted for a consultant to perform a Project Development and Environment (PD&E) study which includes the commencement of the National Environmental Policy Act (NEPA) process. Upon adoption of this recommendation by the Board, the County will begin the procurement process to select the consultant. The length of the NEPA process is contingent on several factors and is anticipated to take a minimum of three (3) to four (4) years. Additionally, key stakeholders and the public will be consulted throughout the process to address critical infrastructure needs including, but not limited to, the Bear Cut Bridge, school crossings, and pedestrian and bicycle safety. The timing for starting another procurement process for the Rickenbacker Causeway will become apparent as the County further develops the project, including securing federal funding, and engaging stakeholders as part of the NEPA process.

Scope

The scope of the project is countywide in nature as the Rickenbacker Causeway is both a regional transportation and recreation asset. The Rickenbacker Causeway is located within County Commission District 7, which is represented by Commissioner Raquel A. Regalado.

Fiscal Impact/Funding Source

There is no fiscal impact to cancel the RFP and to conclude the unsolicited proposal process. Much of the work for this RFP was performed in-house. The County contracted consultants to complete the Value for Money Assessment and the design criteria package. Both documents can continue to inform the County on the development of a solicitation to be issued at a later date.

Track Record/Monitor

David Cardenas, PROS Deputy Director, and Christina Salinas-Cotter, PROS Assistant Director, are the project managers. Rita Silva, Chief of P3 and Innovative Procurement, in the Internal Services Department is the Procurement Manager.

Delegated Authority

The County Mayor or Mayor’s designee is delegated the authority to issue any documents necessary to cancel the RFP, notify potential proposers of such cancellation and notify the Plan Z Consortium of the conclusion of the unsolicited proposal process.

Background

On July 8, 2021, the Board adopted Resolution No. R-648-21, approving the recommendation to publish a solicitation for an open, competitive process for the same project purpose as an unsolicited proposal received for the design, build, finance, operation and maintenance of a proposed project that provides a solution for bicycle and pedestrian safety improvements along the Rickenbacker and Venetian Causeways along with certain other recreational amenities along the Rickenbacker Causeway. The RFP was advertised on August 15, 2021. On October 5, 2021, this Board adopted Resolution No. R-942-21 to remove the Venetian Causeway from the RFP and Resolution No. R-979-21 to extend the timeframes for the receipt of responses to the RFP.

As noted in the aforementioned report to the Board, a Value for Money Assessment was conducted by the County’s financial advisor and confirmed that an integrated delivery model to Design-Build-Finance-Operate-Maintain (DBFOM) the project in a single contract, following a conventional public private partnership (P3) procurement process, is expected to deliver the best “value for money.” This is the best model to minimize the County’s financial risks and financial obligations. However, to achieve that best value for money proposition, the County’s financial advisor has recommended that the County make changes to the procurement process to include a two-step procurement. The strategic options to conduct the two-step procurement process are presented in the report.

Attachment


Jimmy Morales
Chief Operations Officer

Date: December 7, 2021

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

From: Daniella Levine Cava
Mayor 

Subject: Report Providing Recommendation for the Rickenbacker Causeway

This memo provides my recommendation for the Rickenbacker Causeway. Throughout this process, I have emphasized the critical importance of addressing major transportation and infrastructure needs for our roadways and bridges — maintaining them not just for the present but to enhance our resilience for the future, given the escalating impacts of climate change and storm surge. Safety and mobility are also paramount, both for the residents of Key Biscayne and because the causeway is an amenity that draws thousands of cyclists and pedestrians.

On July 8, 2021, the Board of County Commissioners (Board) unanimously adopted Resolution No. R-648-21, approving my recommendation to publish a solicitation for an open and competitive process for the same project purpose as the unsolicited proposal known as Plan Z. The subsequent competitive *Request for Proposals (RFP) No. 01982, Develop, Maintain and Operate the Rickenbacker and Venetian Causeways and Associated Recreational Elements* was advertised on August 15, 2021, and remains under the Cone of Silence.

Since advertisement of the RFP, there have been many important questions and concerns raised about the unsolicited proposal process as well as the project. The County’s RFP regulations create significant limitations regarding public engagement and communications and, throughout this process, I’ve stressed the importance of ensuring that the County has an opportunity to obtain sufficient public input — an essential part of the decision-making process. That is why I pressed to incorporate public feedback and speak in the Sunshine at all possible opportunities.

On October 5, 2021, the Board approved Resolution No. R-942-21, directing the removal of the Venetian Causeway from the RFP. The Board also approved Resolution No. R-979-21 to extend the time for submittal of the proposals in response to the RFP to March 1, 2022, to allow time to make the necessary adjustments to the RFP and allow sufficient time to complete and review a Value for Money (VfM) Assessment.

As per my direction, the County engaged a consultant, IMG Rebel Advisory, Inc., under our existing P3 Infrastructure and Financial Advisory Services pool, to perform a VfM Assessment. The VfM analyzed both the project delivery and financing options for the Rickenbacker Causeway project and evaluated the various delivery models to determine which offers the best “value for money.”

On November 19, 2021, I released the Value for Money Assessment and Executive Report. The VfM confirmed that an integrated delivery model that combines design, construction, maintenance, financing, and operation into a single contract following a conventional public private partnership (P3) procurement process is expected to deliver the best “value for money.” The VfM also confirmed that under current conditions, such Design-Build-Finance-Operate-Maintain (DBFOM) model is the best model to minimize the County’s financial risks and financial obligations.

Based on the findings from the VfM, the consultant recommended two strategic procurement options to further ensure “value for money” for the public.

1. Cancel this procurement and restart a procurement later –

- First, allow time to confirm federal funding availability, further develop the project, engage stakeholders, and complete the NEPA process.
- Second, issue a solicitation – recommend use of a Request for Qualifications (RFQ) to pre-qualify proposers, then issue RFP to require more detailed proposals with a committed price.

2. Continue this procurement with adjustments –

- Add a prequalification phase to increase market interest.
- Extend both the RFP and Interim Agreement phases to allow time to confirm federal funding availability, further develop the project, stakeholder engagement, and complete the NEPA process.

Given these findings, I convened a virtual public meeting on December 6, 2021, as I committed to do, following the publication of the VfM, to allow for further feedback from the community and stakeholders. Based on the input and feedback received from hundreds of members of the community and key stakeholders, along with the recommendation from Commissioner Regalado, I am recommending that we move forward with the Rickenbacker Causeway project in the following way:

Cancel this procurement and restart a procurement later –

- First, allow time to confirm federal funding availability, further develop the project, engage stakeholders, and complete the NEPA process.
- Second, issue a two-step solicitation – first issuing an RFQ to pre-qualify proposers, then issue an RFP to require more detailed proposals with a committed price.

Throughout this entire process, my goal has been to ensure that we address major transportation, infrastructure, safety, and mobility needs with an emphasis on resiliency for today and the future, in the most efficient way possible. I look forward to discussing this recommendation, which I believe is in the best interest of the County and our stakeholders with the Board. This report will be placed on the next available Board agenda.

Should you require additional information, as the project remains under the Cone of Silence, please contact Rita Silva, Internal Services Department at rita.silva@miamidade.gov.

c: Geri Bonzon-Keenan, County Attorney
Gerald K. Sanchez, First Assistant County Attorney
Jess M. McCarty, Executive Assistant County Attorney
Office of the Mayor Senior Staff
Alex Muñoz, Director, Internal Services Department
Maria Nardi, Director, Parks, Recreation and Open Spaces
Eulois Cleckley, Director, Department of Transportation and Public Works
Felix Jimenez, Inspector General
Jennifer Moon, Chief, Office of Policy and Budgetary Affairs
Yinka Majekodunmi, Commission Auditor
Melissa Adames, Director, Clerk of the Board
Eugene Love, Agenda Coordinator



MEMORANDUM

(Revised)

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

DATE: January 19, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(16)

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)(16)
1-19-22

RESOLUTION NO. R-38-22

RESOLUTION CANCELLING REQUEST FOR PROPOSAL NO. 01982, DEVELOP, MAINTAIN AND OPERATE RICKENBACKER CAUSEWAYS AND ASSOCIATED RECREATIONAL ELEMENTS FOR THE PARKS, RECREATION AND OPEN SPACES DEPARTMENT AND CONCLUDING, PURSUANT TO SECTION 2-8.2.6 OF THE CODE OF MIAMI-DADE COUNTY, THE UNSOLICITED PROPOSAL PROCESS INITIATED BY THE RECEIPT OF AN UNSOLICITED PROPOSAL FOR THE DESIGN, BUILD/REPLACE/REPAIR, FINANCE, OPERATE AND MAINTAIN THE VENETIAN AND RICKENBACKER CAUSEWAYS AND CERTAIN PARKLAND AND BEACHES ALONG THE RICKENBACKER CAUSEWAY; AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE FOREGOING

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

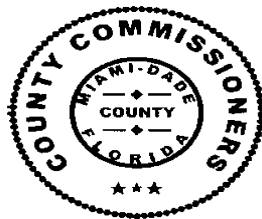
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby cancels Request for Proposal No. 01982, Develop, Maintain and Operate Rickenbacker Causeways and Associated Recreational Elements for the Parks, Recreation and Open Spaces Department ("RFP") and concludes, pursuant to section 2-8.2.6 of the Code of Miami-Dade County, the unsolicited proposal received from the Plan Z Consortium ("Consortium") for the design, build/replace/repair, finance, operate and maintain the Venetian and Rickenbacker Causeways and certain beaches and parkland along the Rickenbacker Causeways. This Board further directs the County Mayor or Mayor's designee to take: (a) all actions necessary to effectuate the foregoing and to notify all

potential proposers of the cancellation of the RFP; and (b) no further action with respect to the unsolicited proposal received from the Consortium and notify the Consortium of same and that the unsolicited proposal process has been concluded.

The foregoing resolution was offered by Commissioner **Raquel A. Regalado** , who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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 19th day of January, 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: **Melissa Adames**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MRP

Monica Rizo Perez
Melanie J. Spencer