

MEMORANDUM

Agenda Item No. 3(B)(4)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 21, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving Confidential Project Xray as a Miami-Dade Relocation and Expansion Incentives Program (REIP) business pursuant to chapter 2, article LXXXVI of the Code; authorizing the County Mayor to execute the application and agreement for REIP between Miami-Dade County and Confidential Project Xray; confirming that the commitment of incentive awards for Confidential Project Xray exists; providing an appropriation of up to \$4,250,000.00 from Countywide General Fund Revenues for Fiscal Years 2023-24 through 2027-28; authorizing the County Mayor to make non-substantive modifications or to modify the job creation and disbursement dates timeline, and to execute all contracts, agreements and amendments, and providing for an effective date

Resolution No. R-126-23

The accompanying resolution was prepared by the Regulatory and Economic Resources Department and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins.


Geri Bonzon-Keenan
County Attorney

GBK/gh

MDC001

Memorandum



Date: February 21, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Resolution Approving the Relocation Expansion and Incentive Program for Confidential Project Xray

Executive Summary

The Miami-Dade Relocation and Expansion Incentives (“REIP”) Program is an incentive program that works by providing financial incentives to certain expanding business or New-to-Market business within Miami-Dade County. Qualifying companies that create a minimum of 50 new jobs within a five-year period paying at least equal to 150 percent of the average of all wages and salaries in Miami-Dade County or the State of Florida and execute a new commercial lease or extend an existing commercial lease for at least five years may be awarded \$1,000.00 per new job with eligibility for additional bonuses: 1) an additional \$125.00 per new job if new hire received a degree from a public university, private university or technical school located within Miami-Dade County and graduated within 3 years of the hire date; and 2) an additional \$125.00 per new job if previously unemployed, a returning citizen, or employed below the Living Wage Rate immediately preceding employment with company.

Confidential Project: Xray is the expansion of the headquarter office of a global technology company in Miami-Dade County. Confidential Project: Xray will create 3,400 new jobs at an average wage of at least \$107,000.00 (greater than 150% of the average wage in Miami-Dade County) and make a capital investment of \$16,299,360.00.

Based on the commitment to create 3,400 net new jobs in Miami-Dade County at wages greater than 150% of the County’s average wage, Project Xray is eligible for an award of \$1,000.00 per new job created. Additionally, Confidential Project Xray intends to hire these roles from local talent that has received a degree from a public university, private university, or technical school located in Miami-Dade County and graduated within 3 years of the hire date; and talent that was previously unemployed, a returning citizen, or employed below the Living Wage Rate immediately preceding employment with the company. New jobs meeting these criteria are eligible for an additional \$125.00 per new job, per bonus, for a total of \$250.00 in bonuses resulting in a total potential award of \$1,250.00 per new job created.

Recommendation

The Beacon Council, on behalf of Confidential Project Xray, has submitted an application for economic development incentives under the County’s Relocation and Expansion Incentives Program, Chapter 2, Article LXXXVI Sections 2-1260 through 2-1269 of the Miami-Dade County Code. It is recommended that the Board of County Commissioners (Board) approve the request for Confidential Project Xray to participate in the REIP

Program. It is also recommended that the Board make available \$4,250,000.00 in REIP assistance from Countywide General Fund Revenue. It is also recommended that the Board waive the \$2,500,000.00 in award payments over the five-year eligibility period.

Scope

Confidential Project Xray is the expansion of an existing global technology company seeking to renovate/construct 101,871 square feet of office space in Miami-Dade County. The proposed location is confidential at this time however, the company is considering a location in Commission District 5, which is represented by Commissioner Eileen Higgins. The company is committing to create 3,400 new full-time equivalent jobs, as defined in section 288.106, Florida Statutes while maintaining 820 existing jobs. The jobs will have a positive Countywide impact through indirect employment and an economic multiplier effect.

The company has applied to the Miami-Dade County Targeted Incentives Job Fund (TJIF) for an incentive award in the amount of \$313,150.00, as a separate agenda item. If approved, the County will provide a total \$4,563,150.00 in economic incentives to this company.

Delegation of Authority

If adopted, this resolution delegates the authority to the County Mayor or the County Mayor's designee to make non-substantive modifications or to modify the job creation and disbursement dates timeline, and to execute all contracts, agreements, and amendments between Miami-Dade County and Confidential Project Xray.

Fiscal Impact/Funding Source

The company has committed to making a capital investment of \$16,299,360.00 and generate \$551,963.00, over a ten-year period, in incremental property tax revenues to the Countywide General Fund. Based on the creation of 3,400 at the annual average wage of \$107,000.00 (which is greater than 150% of the county's average wage), Confidential Xray is eligible to receive a REIP award of \$1,000.00 per new job created.

Additionally, Confidential Project Xray is eligible to receive two bonuses each valued at \$125.00 per new job created. The company intends to hire employees that have received a degree from a public university, private university, or technical school located in Miami-Dade County and graduated within 3 years of the hire date. The company also intends to hire employees that were previously unemployed, a returning citizen, or employed below the Living Wage Rate immediately preceding employment with the company. New jobs meeting these criteria are eligible for an additional \$125.00 per new job (per bonus), resulting in a total of \$250.00 in bonuses for a total potential award of \$1,250.00 per new job created. Therefore, the company is eligible to receive \$4,250,000.00 in REIP assistance to be paid over a five-year period from the Countywide General Fund Revenue.

Track Record/Monitor

The REIP Program specifies that a Board approved REIP Program project must create at least 50 new jobs, retain those jobs for the duration of the five-year eligibility paying at least equal to 150 percent of the average of all wages and salaries in Miami-Dade County or the State of Florida and execute a new commercial lease or extend an existing commercial lease

for at least five years may be awarded \$1,000.00 per new job with eligibility for additional bonuses: 1) an additional \$125.00 per new job if new hire received a degree from a public university, private university or technical school located within Miami-Dade County and graduated within 3 years of the hire date; and 2) an additional \$125.00 per new job if previously unemployed, a returning citizen, or employed below the Living Wage Rate immediately preceding employment with company. Confidential Project Xray is promising to make a capital investment of \$16,299,360.00 and create 3,400 new jobs.

Upon the company's request for incentives payment, staff from the Research and Planning Division within the Department of Regulatory and Economic Resources may review and verify the financial and personnel records of the Company and/or perform on site visits to verify employment relating to the new jobs, wages paid and bonuses. Verify that the jobs are in Miami-Dade County and ascertain whether the Company is in compliance with the terms of the Agreement.

No later than April 30th, of each Miami-Dade County fiscal year, the Company must file a claim to be considered to receive an award for the following fiscal year.

The payment incentives are conditioned on and subject to specific annual appropriations by the Board of County Commissioners sufficient to pay amounts under the approved agreement and the amount of the incentive received will be based on the incentive levels specified in section 2-1265 of the TJIF and REIP ordinance.

Background

Confidential Project Xray is proposing to construct/renovate 101,871 square feet of office space to house its corporate headquarters (North American Industry Classification System Code #551114). The company plans to commence construction during FY 2023. Alternative locations include Orlando, Florida, New Jersey, and Vancouver.

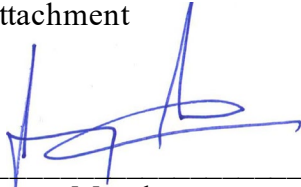
As a condition of the REIP award, Confidential Project Xray agrees that the 3,400 new workers hired will have an average annual salary of \$107,000.00 (excluding benefits). Employee benefits associated with each newly created job will be \$13,000.00. The value of employee benefits is not a requirement of the REIP Program. The company also agrees to maintain a commercial lease for the five-year eligibility period. Confidential Project Xray also agrees that all employees will be paid the living wage in accordance with County Code §2-8.9, Living Wage for County Service Contracts effective October 1, 2022 to September 30, 2023.

The anticipated dates for job creation and incentive award disbursements are set forth in the resolution but are subject to change upon the approval of the County Mayor or the County Mayor's designee so long as they remain consistent with the REIP Program.

The attached documents relating to the application of the incentive have been prepared by The Beacon Council and reviewed by the Department of Regulatory and Economic Resources.

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
Page No. 4

Attachment



Jimmy Morales
Chief Operations Officer

CONFIDENTIAL PROJECT XRAY SUMMARY SHEET	
APPLICANT:	Confidential Project Xray
HEADQUARTERS LOCATION:	TBD
PROPOSED LOCATION IN MIAMI-DADE COUNTY:	District 5
OTHER LOCATIONS UNDER CONSIDERATION:	South Florida
DATE OF REIP APPLICATIONS:	December 1, 2022
OVERALL BUSINESS ACTIVITY/MISSION:	Technology
PROPOSED LOCAL BUSINESS ACTIVITY:	Corporate Headquarters
PROPOSED CAPITAL INVESTMENT:	\$16,299,360.00 (Not a condition of the award)
INDUSTRIES:	Corporate Headquarters
PROPOSED LOCATION IN DESIGNATED PRIORITY AREA:	No
NEW BUSINESS OR EXPANDING BUSINESS:	Expanding
TOTAL NUMBER OF DIRECT JOBS TO BE CREATED/RETAINED:	3400/820
EFFORT IN HIRING RESIDENTS IN LOCAL AREA:	Will be sourced locally
ESTIMATED ANNUALIZED AVERAGE WAGES FOR NEW JOBS:	\$107,000.00
ANNUAL EMPLOYEE BENEFIT PACKAGE:	\$13,00.00 (Not a condition of the incentive)
NUMBER OF INDIRECT JOBS TO BE CREATED:	TBA
NUMBER OF YEARS TO CREATE NEW JOBS:	3
MAXIMUM INCENTIVE PER DIRECT JOB CREATED/RETAINED	\$1,250.00
MAXIMUM INCENTIVE AWARD APPLIED FOR:	\$4,250,000.00
PROJECTED INCREMENTAL COUNTY TAX REVENUE:	\$551,963.00
TYPE OF FUNDS REQUESTED IN APPLICATION:	Countywide General Fund Revenues
COMMENTS: Information and data in this summary sheet provided The Beacon Council.	

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ANNUAL EMPLOYEE BENEFIT PACKAGE:	\$13,00.00 (Not a condition of the incentive)
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NUMBER OF YEARS TO CREATE NEW JOBS:	3
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MAXIMUM INCENTIVE AWARD APPLIED FOR:	\$4,250,000.00
PROJECTED INCREMENTAL COUNTY TAX REVENUE:	\$551,963.00
TYPE OF FUNDS REQUESTED IN APPLICATION:	Countywide General Fund Revenues
COMMENTS: Information and data in this summary sheet provided The Beacon Council.	



December 1, 2022

Ms. Lourdes Gomez
Director, Regulatory and Economic Resources
Miami-Dade County
111 NW 1st Street, 11th Floor
Miami, FL 33128

Re: Confidential Project: Xray

Dear Ms. Gomez:

Attached please find the application for Confidential Project: Xray to Miami-Dade County's Relocation and Expansion Incentive Program (REIP). Confidential Project: Xray is the expansion of the headquarter office of a global technology company in Miami-Dade County.

Confidential Project: Xray will create 3,400 new jobs at an average wage of at least \$107,000 (> 150% of the average wage in Miami-Dade County) and make a capital investment of \$16,299,360 in the City of Miami (Dist 5/Higgins). Alternative locations for this project include Orlando, New Jersey, and Vancouver.

We are referring the enclosed application to your office for review and preparation of a resolution to the Miami-Dade Board of County Commissioners requesting a maximum of \$4,250,000.

We are requesting that the item be placed on the next possible BCC agenda and look forward to working together for the benefit of the economic development of Miami-Dade County. If you have any questions, please contact me at (305) 579-1300.

Sincerely,

A handwritten signature in black ink, appearing to read 'James Kohnstamm'.

James Kohnstamm
Executive Vice President
Economic Development

Copy: Fernando Casamayor

MDC008

Miami-Dade County Relocation & Expansion Incentive Program (REIP)

Confidential Project: Xray

December 2022

Prepared by:



Executive Summary for Confidential Project: Xray

Background

Confidential Project: Xray is the expansion of the headquarter office of a global technology company in Miami-Dade County. Confidential Project: Xray will create 3,400 new jobs at an average wage of at least \$107,000 (> 150% of the average wage in Miami-Dade County) and make a capital investment of \$16,299,360 in the City of Miami (Dist 5/Higgins). Alternative locations for this project include Orlando, New Jersey, and Vancouver.

Based on the commitment to create 3,400 net new jobs in Miami-Dade County at wages in excess of 150% of the County's average wage, Project Xray is eligible for an award of \$1,000 per new job created.

Additionally, Project Xray intends to hire these roles from local talent that has received a degree from a public university, private university, or technical school located in Miami-Dade County and graduated within 3 years of the hire date; and talent that was previously unemployed, a returning citizen, or employed below the Living Wage Rate immediately preceding employment with the company. New jobs meeting these criteria are eligible for an additional \$250 per new job for a total potential award of \$1,250 per new job created.

Recommendation

Pursuant to the ordinance establishing the Miami-Dade Relocation and Expansion Incentive Program, the Miami-Dade Beacon Council requests a waiver of the program cap for a maximum potential award of \$4,250,000 (\$1,250 per job x 3,400 net new jobs).

This is a performance-based incentive. No funds will be provided to the Company until they meet all program and job creation requirements and full program compliance is verified by Miami-Dade County staff.

INCENTIVE SUMMARY

Confidential Project: Xray

Project Summary:	
Project Name	Confidential Project: Xray
New Jobs	3,400
Average Salary	\$107,000
New Capital Investment	\$16,299,360
New Square Footage	101,871
REIP Award:	
Base award per job	\$1,000
New hire with local degree bonus	\$125
New hire underemployment bonus	\$125
Maximum award per job	\$1,250
Maximum REIP Award	\$4,250,000 [\$1,250 per job x 3,400 net new jobs]

The Miami-Dade Relocation and Expansion Incentive (REIP) Program

Supplemental Application

Section 1. Miami-Dade County Relocation and Incentive Program (REIP) Background

1.1 The REIP Program is an incentive program that works by providing financial incentives to certain Expanding Business or New-to-Market business in Miami-Dade County. Qualifying companies that create a minimum of 50 new jobs within a five-year period paying at least equal to 150 percent of the average of all wages and salaries in Miami-Dade County or the State of Florida and execute a new commercial lease or extend an existing commercial lease for at least five years may be awarded \$1,000.00 per new job for the first 50 jobs with eligibility for additional bonuses:

- a) An additional \$125.00 per new job if new hire received a degree from a public university, private university, or technical school located in Miami-Dade County and graduated within 3 years of the hire date; and
- b) An additional \$125.00 per new job if previously unemployed, a returning citizen, or employed below the Living Wage Rate immediately preceding employment with company.

1.2 Additionally, the REIP Program created a separate qualification criterion for businesses relocating to Targeted Urban Areas (TUAs) by allowing businesses in TUAs to qualify for incentives with a minimum of 25 employees and paying a wage that is 125 percent of Average Annual Wage. Allowing for an extension or waiver of the requirement that a business execute a lease within 12 months of application. Granting a total award above \$2,500,000.00 upon Board approval, and it requires staff to prepare a recommendation on a completed application within 30 days.

Section 2. Definitions

2.1 Definitions as used in this agreement and application, unless the context requires otherwise:

- a) **Agreement or Agreements** refers to the written understanding entered in to between an Expanding Business or New-to-Market Business and Miami-Dade County. The Agreement sets forth the obligation and rights of the company under the REIP Program.
- b) **Average Annual Wage** is the average of all wages and salaries in Miami-Dade County or State of Florida as determined by Miami-Dade County or the State of Florida, or U.S. Bureau of Labor Statistics, using the most currently available date as determined by Miami-Dade County or the State of Florida and by choosing the higher number.
- c) **Expanding Business** is a company with a commercial business, excluding residential or commercial development, that increases operations on a site within Miami-Dade County.
- d) **Incentive or Incentives** refers to the funds paid to a company under this Program.
- e) **New Job or New Jobs** are net new jobs created by an Expanding Business or a New-to-Market Business which are being added to the company's roster of employees and that did not exist within Miami-Dade County within the last 12 months prior to the date the company submits the application to Miami-Dade County.

- f) **New-to-Market Business** is a company that relocates to Miami-Dade County or is a start-up company setting up operations in Miami-Dade County.
- g) **Project** means a business that is expanding in or relocating to Miami-Dade County and the associated new jobs and capital investment that are the basis of the application for an award.

Section 3. Eligibility Applicants

3.1 The Program will only be available to New-to-Market Businesses or Expanding Businesses that will either relocate or hire a minimum of 50 new employees in Miami-Dade County within a five-year period. A new lease or expansion of an existing lease for commercial office space for at least five years must be executed within 12 months from the time of the application. A company may request an extension from the Board for cause. The Board may also waive the lease requirement provision if the company plans to move the New Jobs into space the company already leased or owns in Miami-Dade County.

Section 4. Eligible Industries

4.1 The Program is open to all companies in all industries that meet the requirements of the other sections of the Code.

Section 5. Program Requirements

5.1

- a) **New-to-market or Expanding Businesses:** Companies applying for the Program incentives must be New-to-market or Expanding Businesses.
- b) **Living Wage Requirement:** The Program will not be available to companies that pay any of their employees less than the Living Wage Rate as defined in section 2-8.9 of the Code of Miami-Dade County, as adjusted annually by the Department of Small Business Development or its successor department. Companies receiving Program Incentives must continue to pay all its employee no less than the Living Wage Rate to remain eligible for the Program.
- c) **Wage of New Jobs Created:** All New Jobs promised under the Agreement must pay an estimated Average Annual Wage at least equal to 150 percent of the average of all wages and salaries in Miami-Dade County or the State of Florida as determined by Miami-Dade County or the State of Florida, or U.S. Bureau of Labor Statistics using the most currently available data as determined by Miami-Dade County and by choosing the higher rate. For a company relocating or expanding operations in one of the County's Targeted Urban Areas or Designated Priority Areas, the wage must at least equal 125 percent of the average of all wages and salaries.
- d) **Wage Calculation:** In determining the Average Annual Wage for the Company, only New Jobs are to be included and wages for existing jobs shall be excluded from the calculation. The Board of County Commissioners, at its discretion, may waive the Average Annual Wage requirement upon receipt of a written request and justification from the Company.

- e) **Job Creation:** New-to-Market or Expanding Businesses must create at least 50 New Jobs within five years of starting operations or executing the Agreement, whichever is later in Miami-Dade County and maintain those New Jobs for a minimum of one additional year. Miami-Dade County must verify compliance with New Job creation and wage requirements as specified in a resolution adopted by the Board of County Commissioners approving the Agreement prior to any disbursement of Program Incentives. The Company must agree to finish all documents necessary for County staff to verify the Company's compliance with the New Job and salary requirements pursuant to the Agreement. Companies relocating or expanding into one of the County's Targeted Urban Areas or Designated Priority Areas, must only create 25 New Jobs.
- f) **Executed Lease:** Applicant must execute a commercial lease for space within one year of application approval. A Company may request extension from the Board for cause. The Board may provide a waiver of this provision for companies that are relocating or expanding staff into existing office space they already lease or own.
- g) **Taxes & Other Monies:** Where a Company is delinquent in paying its taxes, or any other monies due to the County, the County shall withhold Incentive funds until the Company is current. Where a Company is more than one year delinquent, the Company's award shall be canceled, and the Company shall be disqualified from participating in the Program.
- h) **Media Announcement:** Applicant must (a) mention Miami-Dade County by name within its initial press release announcing the new office location, (b) at least 48 hours in advance, provide the exact date and time of when the press release will be published, and (c) at least 48 hours in advance, provide a copy of the press release.
- i) **Media Appearances:** The Company is encouraged to provide a senior employee to assist with recruitment efforts of the County attracting additional companies to Miami-Dade County. Engagements may consist of a presentation, panel discussion, interview, quote for media story, or comparable engagement.

Section 6. Program Incentives

6.1 The amount of the award is tentatively ascertained, pending approval by the Board of County Commissioners, during application processing and is based on the commitment of New Job creation as specified in the Agreement. The actual award will be determined after the Company has begun operations, and at the end of each fiscal year upon the verification of new hires as specified in the Board-approved Agreement, and all other obligations set forth in the Agreement and the resolution approving the award.

6.2 The maximum award is based on the number of New Jobs created during the five-year eligibility period. The incentives over the five-year period after the application's start of operations or the execution of the agreement, whichever is later, may not exceed:

- a) \$1,000.00 per New Job (minimum of 50):

Applicant may be eligible for the following bonuses for new hires only:

- i. An additional \$125.00 per New Jobs if new hire received a degree from a public university, private university, or technical school located within Miami-Dade County and graduated within 3 years of the hire date; and

- ii. An additional \$125.00 per New Job if previously unemployed, a returning citizen, or employed below the Living Wage Rate immediately preceding employment with Company.

6.3 A Company may not receive more than \$2,500,000.00 in award payments over the five-year eligibility period unless a higher award is approved by the Board.

6.4 A Company that is awarded the incentive under this section is eligible to apply for and receive the TJIF Program incentives for capital investments but may not receive the job creation bonuses in the TJIF Program.

Section 7. Source, Claim Period and Disbursement of Incentives

7.1 Annual disbursements will be contingent on the verification of the new jobs created. Disbursement will begin in the Miami-Dade County fiscal year following the Project's start of operations. The Miami-Dade County fiscal year runs from October 1 through September 30 of the following calendar year. Companies will be monitored annually to ensure compliance with the projected number of new jobs and the wage associated with the new jobs.

7.2 Disbursements to the Company will only be made after it has met all commitments as set forth in the Agreement and the resolution. Disbursements shall be limited in each year of the disbursement schedule approved in the resolution to amounts set forth in section 23. No incentive amounts shall be disbursed after the last fiscal year set forth in the Agreement and the resolution.

7.3 The County Mayor shall designate staff to administer the Program and determine Company compliance and develop program policies and procedures. The County Mayor may, at the County Mayor's discretion, designate administration of the program to the Beacon Council or successor economic development agency of the County.

Section 8. Application Process

8.1 A Company wishing to participate in the Program will submit a completed application form to Miami-Dade County as prepared by the County Mayor.

8.2 The application will be submitted to the Board of County Commissioners for approval by resolution adopted by the Board of County Commissioners. All requirements shall be incorporated in the approval resolution.

8.3 At the time of application, the County will confirm that the Company has provided information and/or demonstration supporting the Company's consideration of other locations and that the requested incentive is required for the Company to choose Miami-Dade County to be the location of its new operation or expansion. Any Company decisions committing the Company to a location within Miami-Dade County prior to the adoption of the approval resolution will render a Company ineligible to participate in the Program. The County Mayor or the County Mayor's designee may, upon the written request by the Company to preserve the inducement for a limited time, waive this prior decision rule and forward the Company's application to the Board of County Commissioners retains the sole and absolute discretion to approve or deny the Company's

application. This prior business decision rule waiver shall not be available to a Company that has publicly disclosed the intent to locate or expand its operations in Miami-Dade County prior to adoption of the approval resolution.

8.4 Within thirty (30) days of receipt of a Company's completed application, designated County staff shall prepare a recommendation on the application, including an economic impact analysis and prepare the adoption resolution. If approved, the adoption resolution will instruct the County Mayor or County Mayor's designee to prepare and execute an Agreement with Company.

8.5 The adoption resolution submitted to the Board shall attach the application and shall include all application requirements outlined in this section and shall further specify, at a minimum:

- a) The total number of New Jobs to be created and that will be dedicated to the Project, the Average Annual Wage of those jobs, any capital investment, and a time schedule or plan for when such jobs will be in place and active in the County;
- b) The economic impact of the business operation proposed, including its fiscal impact to the County, not limited to, but including direct and indirect jobs created and supported, increase in total wages of direct and indirect job created and supported, increase in total wages of direct and indirect job creation, taxes generated, and other benefits, as well as created by the Business;
- c) The estimated amount of incentive awards which the Company is eligible to receive and the estimated amount of incentive awards that the Company is eligible to receive for each fiscal year;
- d) That the County may review and verify the financial and personnel records of the Company and/or perform on-site visits to verify employment relating to the New Jobs, wages paid, verify that the jobs are in Miami-Dade County, and ascertain whether the Company is in compliance with the terms of the Agreement;
- e) The date, not later than April 30th, by which, in each Miami-Dade County fiscal year, the Company must file a claim to be considered to receive an award for the following fiscal year;
- f) That compliance with the terms and conditions of the approved Agreement is a condition precedent for the receipt of any Incentive award in a fiscal year, that the Company's failure to comply with the terms and conditions of the approved Agreement will result in the loss of eligibility for receipt of Incentive awards and the revocation by the County of the certification of the Company as an eligible business;
- g) That payment Incentive is conditioned on, and subject to, specific annual appropriations by the Board of County Commissioners sufficient to pay amounts under the approved Agreement; and
- h) That the amount of the incentive received will be based on the incentive levels specified in Section 2-1265 above.

Section 9. Review and Approval Process

9.1 Applications may be approved by a resolution of the Board of County Commissioners. The Board shall have no obligation to approve any application before it. Final determination of the approval of the award for program incentives shall be at the sole and absolute discretion of the Board.

Section 10. Employer Identification

10.1 Please note: The following form may not provide enough space for required answers. Please attach a separate page with tabs to refer to the question number. Please include supporting documentation or explanation with responses where appropriate.

10.2 Miami-Dade Relocation and Expansion Incentive Program (REIP)

a)	Name of Company:	
b)	Mailing Address:	
c)	Primary Company Contact Name:	
	Primary Company Contact Title:	
	Primary Company Contact Phone:	
	Primary Company Contact Email:	
d)	Company Federal Employer Identification Number (EIN)	
e)	NAICS codes of all activities of the company:	5511144
f)	Description of the Company's primary business activities:	A leading provider of software solutions for IT professionals.
g)	<i>You may request that your project information (including the information contained in this Application) be confidential per Section 288.075 of the Florida Statutes, Confidentiality of Records</i> Confidentiality of Project information: ☒ Yes, we request confidentiality ☐ No, we do not request confidentiality	
h)	Has the Company or any of its officers ever been subject to criminal or civil fines and penalties?	☐ Yes ☒ No
	If 'Yes', please explain:	

Section 11. Project Identification/Information

11.1 Project description, location, and tax information

a) Description of the type of business activity or product covered by the Project:	☐ New business to Miami-Dade County ☒ Expansion of an existing Miami-Dade County business
b) If an existing business, how many Miami Dade County located employees are there currently in the expanding business unit:	820
c) Full description of the Project:	Project Xray plans to add more than 3000 new employees at an average annual salary of \$107,000 and over 100,000 square feet of office space in Downtown Miami over the next 3 years.
d) Project's current location or Project's proposed location in Miami-Dade County:	Miami, FL
e) Anticipated Miami-Dade County Commission District(s):	District 5
f) Does the Company have any outstanding Miami-Dade County taxes?	☐ Yes ☒ No
If 'Yes', please explain:	
g) What other location(s) have been considered for this Project location/expansion? <i>Please provide supporting documentation.</i>	Orlando, Vancouver, New Jersey, and Europe
h) Is this Company executing a new lease or an expanding lease for commercial office space for at least five (5) years?	☒ Yes, Date of Execution: <u> Before December 2023 </u> <i>(Must be within one (1) year)</i> ☐ No
If 'No', please explain:	
i) Square footage of existing Miami-Dade County location:	144,024
j) Anticipated timeframe when the Project will be completed:	Q4 2025

11.2 Project Employment, Wages and Capital Investment

- a) Total number of New Jobs projected to be created by the Project: 3,400

[New Jobs must be created within 5 years of starting operations or executing the Agreement, whichever is later and maintain those New Jobs for a minimum of one additional year.]

- b) Schedule of New Jobs to include:

Year	Direct Jobs	Average Annual Wage
2023	1200	\$107,000
2024	1200	\$107,000
2025	1000	\$107,000

- d) Does the Company pay ALL its employees no less than the Living Wage Rate?
(As defined in section 2-8.9 of the Code of Miami-Dade County, as adjusted annually)

☒ Yes

☐ No

- e) New Employee Estimated Average Annual Wage:
(Must equal at least 150 percent of the average of all wages and salaries in Miami-Dade County or the State of Florida as determined by Miami-Dade County or the State of Florida or U.S. Bureau of Labor statistics)

\$107,000

- f) Describe the capital investment in real and personal property:
Example: Construction of new facility, remodeling of facility, upgrading, replacing or buy new equipment.

Remodeling of facility and upgrades to space, as well as new equipment

- g) List the amount and type of major capital investment to be made:

\$11,205,810 for construction/renovations
\$5,093,550 for new equipment

- h) Is the Project located in a Targeted Urban Area (TUAs)? (Must create a minimum of 25 new jobs and paying a wage that is 125 percent of the Average Annual Wage.)

☐ Yes

☒ No

- i) Is the Project available for any of the following bonuses?

- A. Additional \$125 per New Job if new hire received a degree from a public university, private university or technical school located within Miami-Dade County within three (3) years of hire.

☒ Yes

☐ No

If 'Yes', Attachment 1 (PROJECT BONUSSES FOR GRADUATE NEW HIRES) will be required at Award payment compliance.

- B. Additional \$125 per new job if previously unemployed, OR a returning citizen employed below the Living Wage Rate immediately preceding employment with the company.

☒ Yes

☐ No

If 'Yes', Attachment 2 (PROJECT BONUSES FOR UNDEREMPLOYED NEW HIRES) will be required as supporting documentation.

- j) Total REIP award applied for including bonuses, if applicable:

\$4,250,000

(\$1,250 per job x 3,400 new jobs)

Section 12. Projected New Revenue to Miami-Dade County

- 12.1 List the amount and type of proposed taxes this Project will provide in the form of new revenue to Miami-Dade County:

	<u>Type of Taxes</u>	<u>\$ Amount</u>
Property Taxes*	General Fund	\$ 557,542
Other Taxes*		\$

*Property tax generation is not contingent on the amount awarded.

Note: The proposed taxes potentially include other impacts.

-----*To be completed by The Beacon Council and/or Miami-Dade County*-----

Section 13. Application Confirmation

- | | | |
|------|--|---------|
| 13.1 | Date Application Received by The Beacon Council: | 12/1/22 |
| 13.2 | Date Application Completed/Finalized: | 12/1/22 |
| 13.3 | Date Application presented to Miami-Dade County: | 12/1/22 |

Section 14. Maximum Award and Agreement End Date

- | | | |
|------|--|---|
| 14.1 | Maximum amount of REIP cash incentive awards the Company is eligible to receive on the Project: | \$4,250,000 |
| 14.2 | Agreement Term Commencement: | X Upon full execution of this Agreement |
| | Agreement Term End Date:
(Unless terminated earlier in accordance with the Code of Miami-Dade County, Chapter 2, Article LXXXVI, and as further modified by Ordinance No. 11-08, as should be amended.) | 2026/27 |

Section 15. Parties

- 15.1 The parties designated the following offices and addresses:

County:	Department of Regulatory and Economic Resources Miami-Dade County 111 NW 1 st Street – 12 th Floor Miami, FL 33128
Company:	

Section 16. Termination

- 16.1 This Agreement may be terminated by Miami-Dade County upon failure of the Company to comply with any material term or condition of this Agreement or a decision by the Company not to proceed with the Project. A termination will result in the loss of eligibility for receipt of all cash incentive awards previously approved and scheduled, but not paid, as well as the revocation of the certification as a REIP business. The foregoing notwithstanding, in the event that Miami-Dade County fails to pay the Company a cash incentive award to which the Company is eligible under Agreement as a result of insufficient County funds or for any reason whatsoever, the Company shall have the right to terminate this Agreement and shall be entitled to retain any cash incentive award or credits previously paid or awarded to the Company by Miami-Dade County under this Agreement. Compliance with the terms and conditions of the Agreement, and with all requirements of the REIP Program as set forth in Miami-Dade County Code Sections 2-1260 through 2-1269, is a condition precedent for receipt of cash incentive awards each year. The failure to comply with the terms and conditions of this Agreement and the requirements of the TJIF Program shall result in the loss of eligibility for receipt of all cash incentive awards previously authorized pursuant to this section, and the revocation of the certification as a qualified applicant by the County Mayor or the County Mayor's Designee.
- 16.2 This Agreement may be terminated by Miami-Dade County if it finds that the Company has provided false or misleading information in any part of this Application and Agreement or if the Company attempts to meet any of its obligations under this REIP Program through fraud, misrepresentation, or material misstatement. If Miami-Dade County terminates this Agreement for breach of this Section, the Company shall within 90 days refund to the County all cash incentives awards paid to the Company as a result of the false information.
- 16.3 This Agreement may be terminated by Miami-Dade County if the Company is delinquent on any Miami-Dade County taxes for a period of two years or longer.

On behalf of the Company, I hereby certify the information provided on the above REIP Application is accurate:

Signature:

Date:

Name:

Title:

Company:



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: February 21, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(B)(4)

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. 3(B)(4)
2-21-23

RESOLUTION NO. R-126-23

RESOLUTION APPROVING CONFIDENTIAL PROJECT XRAY AS A MIAMI-DADE RELOCATION AND EXPANSION INCENTIVES PROGRAM (REIP) BUSINESS PURSUANT TO CHAPTER 2, ARTICLE LXXXVI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE THE APPLICATION AND AGREEMENT FOR REIP BETWEEN MIAMI-DADE COUNTY AND CONFIDENTIAL PROJECT XRAY; CONFIRMING THAT THE COMMITMENT OF INCENTIVE AWARDS FOR CONFIDENTIAL PROJECT XRAY EXISTS; PROVIDING AN APPROPRIATION OF UP TO \$4,250,000.00 FROM COUNTYWIDE GENERAL FUND REVENUES FOR FISCAL YEARS 2023-24 THROUGH 2027-28; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO MAKE NON-SUBSTANTIVE MODIFICATIONS OR TO MODIFY THE JOB CREATION AND DISBURSEMENT DATES TIMELINE, AND TO EXECUTE ALL CONTRACTS, AGREEMENTS AND AMENDMENTS, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Article LXXXVI of the Code of Miami-Dade County, Florida created the Miami-Dade Relocation and Expansion Incentives Program (“REIP”); and

WHEREAS, this Board seeks to encourage higher-wage job creation by broadening participation to industries that are high-paying but not capital intensive; and

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, in Confidential Project Xray’s REIP Application (“Application”), and in the Agreement (“Agreement”), copies of which are incorporated herein by reference; and

WHEREAS, Confidential Project Xray qualifies as a REIP-eligible business under chapter 2, article LXXXVI of the Code of Miami-Dade County, Florida (REIP Ordinance); and

WHEREAS, the County may review and verify the financial and personnel records of Confidential Project Xray and/or perform on site visits to verify employment relating to the new jobs, wages paid, and bonuses, verify that the jobs are in Miami-Dade County, and ascertain whether Confidential Project Xray is in compliance with terms of the Agreement; and

WHEREAS, Confidential Project Xray must file a claim no later than April 30th of each fiscal year in order to be considered to receive an award for the following fiscal year; and

WHEREAS, the payment incentives are conditioned on and subject to specific annual appropriations by this Board sufficient to pay amounts under the approved agreement and the amount of the incentives received will be based on the incentives levels specified in section 2-1265 of the Miami-Dade County Code,

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

Section 1. Adopts and ratifies the matters set forth in the foregoing recitals.

Section 2. Finds that attracting, retaining and providing favorable conditions for the growth of businesses to provide high-paying employment opportunities for residents of the County enhances the County's economic foundation.

Section 3. Authorizes the County Mayor or County Mayor's designee to execute the Application and Agreement for REIP between Miami-Dade County and Confidential Project Xray, as a REIP business pursuant to the REIP Ordinance, in substantially the forms attached hereto and incorporated herein by reference.

Section 4. Further authorizes the County Mayor or County Mayor's designee to make non-substantive modifications to the job creation and disbursement dates timeline, and to execute all contracts, agreements, and amendments necessary to further the purposes set forth in this resolution.

Section 5. Finds that the commitment of incentive awards for Confidential Project Xray exists in an amount not to exceed \$4,250,000.00 from Countywide General Fund revenues, and is conditioned on and subject to specific annual appropriations by the Board in the following increments:

Fiscal Year 2023-24 - \$850,000.00

Fiscal Year 2024-25 - \$850,000.00

Fiscal Year 2025-26 - \$850,000.00

Fiscal Year 2026-27 - \$850,000.00

Fiscal Year 2027-28 - \$850,000.00

Total: \$4,250,000.00

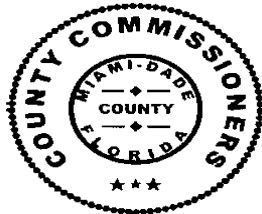
Any REIP incentive award granted to Confidential Project Xray is contingent upon Confidential Project Xray maintaining compliance with the REIP program as set forth in the REIP Ordinance, including, but not limited to, the requirement that at least 3,400 jobs be created and that in no event shall this resolution operate to obligate the County to make disbursements to Confidential Project Xray in an amount that contradicts or violates the program requirements as set forth in the REIP Ordinance.

Section 6. Requires that the commitment of incentive awards shall be contingent on Confidential Project Xray maintaining the jobs during the life of the incentive and ensuring that its hiring practices are consistent with and reflect the diversity of the Miami-Dade County community, as well as upon Confidential Project Xray's agreement to a good faith effort to hire, to the maximum extent, residents from Miami-Dade County.

The foregoing resolution was offered by Commissioner **Eileen Higgins**, 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:

Oliver G. Gilbert, III, Chairman	absent		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	absent	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 21st day of February, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "S. Williams".

Shannon D. Summerset-Williams