

Date: July 2, 2024

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

From: Daniella Levine Cava
Mayor 

Subject: Resolution Ratifying the Award of the Construction Project No. 2017-034.02-R /
Contract No. 2017-034.02-R Related to Miami-Dade Seaport Department's Capital
Improvement Programs Expedite and Acceleration Ordinance Pursuant to Section 2-
8.2.15 of the Code of Miami-Dade County, Florida

Agenda Item No. 8(J)(3)

Resolution No. R-587-24

Executive Summary

The purpose of this item is to obtain ratification by the Board of County Commissioners ("Board") for the competitive Award of the Construction Contract for South Florida Container Terminal ("SFCT") Cargo Yard Densification, Electrified Rubber Tired Gantry ("eRTGs") Phase 2, Project No. 2017-034.02-R, Contract No. 2017-034.02-R ("the Project"), in the total amount not to exceed \$63,627,735.00, with a total contract period of 632 days to OEC-Paradise, JV ("OEC-Paradise"). The new fully functional electrified eRTG system will densify the SFCT yard and increase cargo throughput capacity as committed per the Third Amendment to the Terminal Operating Agreement approved by the Board via Resolution No. R-989-19.

This project is designed to increase cargo throughout and reduce diesel equipment dependency at PortMiami by electrifying the cargo container handling operations of the SFCT at PortMiami.

Recommendation

It is recommended that the Board ratify the action of the County Mayor or County Mayor's designee, as authorized under Section 2-8.2.15 of the Miami-Dade County ("County") Code related to PortMiami's Capital Improvement Programs Expedite and Acceleration Ordinance ("Seaport Expedite and Acceleration Ordinance") for the funded project identified above and on Exhibits A and B, as attached. The use of the Seaport Expedite and Acceleration Ordinance is consistent with the Board's direction, via Resolution No. R-989-19, at its September 19, 2019, Board Meeting. The County conducted a competitive procurement in accordance with all applicable procurement legislation and awarded the contract to the highest-ranked bidder or proposer.

Delegated Authority

This contract was awarded pursuant to Section 2-8.2.15 of the Miami-Dade County Code related to the Seaport Expedite and Acceleration Ordinance, which delegates authority to the County Mayor or County Mayor's designee to award, execute, and implement contracts for previously funded capital projects and related goods and services for projects identified in the Seaport's Multi-Year Capital Plan's Capital Improvements Program, without the need for prior Board approval, but subject to ratification by the Board.

Scope

PortMiami is located within District 5, which is represented by Commissioner Eileen Higgins. The impact of this agenda item is countywide as PortMiami is a regional asset and generates employment for residents throughout Miami-Dade County.

Fiscal Impact/Funding Source

The fiscal impact for the project/contract is \$63,627,735.00, inclusive of a base bid amount of \$51,466,428.00; a contingency allowance amount of \$5,146,642.80; a dedicated allowance amount for permits of \$514,664.20; and a dedicated allowance amount (equipment) of \$6,500,000.00.

The project/contract is funded from the Fiscal Year (FY) 2023-2024 Adopted Budget and Multi-Year Capital Plan with the below funding sources.

<u>Funding Source</u>	<u>Project Number</u>	<u>Site Number</u>	<u>Amount</u>
U.S. Department of Transportation Maritime Administration (MARAD) Funds - PIDP	647150	69556	\$10,428,393.00
FDOT Funds	647150	69556	\$18,340,024.00
PortMiami Future Financing	647150	69556	<u>\$34,859,318.00</u>
Total Funding			\$63,627,735.00

Track Record/Monitor

The Seaport Department's Acting Assistant Director of Capital Improvements, Helga Sommer, will oversee the implementation of this project.

Background

This Project, part of the Port's net zero program, is designed to increase cargo throughput and reduce diesel equipment dependency at PortMiami by electrifying the cargo container handling operations of the SFCT at PortMiami. SFCT has committed to the replacement of its existing conventional diesel-powered toploaders with twelve (12) new Electrified Rubber Tired Gantry (eRTGs) at an estimated cost of approximately \$18 million and PortMiami has committed to providing the infrastructure to operate the new eRTGs as per the Third Amendment to the Terminal Operating Agreement previously approved by the Board. This use of new eRTGs will result in significant reductions in greenhouse gas emissions for our local community as well as increase operational efficiencies.

This project will be awarded as authorized under Section 2-8.2.15 of the Miami-Dade County Code related to the Seaport Expedite and Acceleration Ordinance. In addition, this project will receive reimbursement from federal funds in the amount of \$10,428,393.00 through the United States Department of Transportation Maritime Administration ("MARAD") under the PortMiami Cargo Yard Resiliency Improvements and Fumigation and Cold Chain Processing Center Project - Fiscal Year 2019 Port Infrastructure Development Program (PIDP) - PIDP Grant No. 693JF72040023 and from state funds in the amount of \$18,340,024.00 through the Florida Department of Transportation ("FDOT") - Grant No. G1Y84 (Financial Project No. 440616-1-94-02) for Port of Miami Upland Cargo Improvements, and as such, all applicable Federal Laws, State Laws, Regulations, Executive Orders, and USDOT (MARAD)/FDOT policies, procedures, and directives are required.

It is important to note that due to MARAD and FDOT grant procurement guidelines, local preferences are precluded from the project. However, Davis-Bacon prevailing wages are applicable to the project. DBE's and other small businesses, as defined in Title 49 CFR Part 26, are encouraged to participate in the performance of agreements financed in whole or in part with federal funds.

The Scope of Work consists of furnishing materials, labor, and equipment necessary for the construction of improvements to the existing cargo yard to facilitate the use of eRTGs for moving and stacking/storage of shipping containers. The Scope of Work consists of, but is not limited to:

- i. The construction of reinforced concrete runway grade beams, crossing pads, and turning pads; and refrigeration container rack (reefer rack) structures.
- ii. Stormwater drainage improvements to reduce flooding due to climate change and consideration for a projected sea level rise of approximately three (3) feet over the project's life expectancy.
- iii. Pavement improvements, mill and overlays, and pavement markings for roadway and container stacks.
- iv. Electrical service and concrete equipment pads to provide power to the eRTG bus bars/conductor and reefer racks. The Contractor will be responsible for coordinating work, schedule, and pick up of the materials to be provided by Florida Power & Light Company (FPL).
- v. Installation of a bus bars/conductor system that provides the electrical connection to power the eRTGs which will be provided by PortMiami under the supervision of the vendor's technical representative. The vendor's technical representative will provide and supervise the commissioning procedure(s). Electrical coordination with the installation and commissioning of the eRTGs will be required to complete the bus bars/conductor system.
- vi. Removal and installation of the Wi-Fi pole, mass-notification pole, and high-mast lighting poles.
- vii. Installation of fiber optic communication hub, infrastructure cabling and enclosures, and splice connections.

The original solicitation for Project / Contract No. 2017-034.02 was advertised on June 22, 2023. On July 26, 2023, PortMiami received and opened one (1) bid from Kiewit Infrastructure South Co., with a base bid amount of \$65,780,000.00. The base bid total was approximately 58.05% above the Engineer of Record's (EOR) base estimate of \$41,619,495.60. Nonetheless, as per Miami-Dade County Procurement guidelines, a comprehensive review of the submitted bid package was performed by PortMiami's staff and the EOR to determine the overall responsiveness and responsibilities to all the bid requirements. In addition, PortMiami and the EOR conducted an extensive in-person bid package review meeting with the Bidder.

As a result of these collaborative actions, PortMiami and the EOR identified adverse issues with the original project solicitation as well as recommended revisions that have been incorporated into the revised contract documents for this project re-advertisement.

Among the revisions are: (i) the construction sequence phasing has been reduced; (ii) the construction durations for paint curing have been extended whenever the installation of final pavement striping is required; (iii) extensions of time have been revised to allow excusable scheduling delays; and (iv) liquidated damages will only apply to each individual construction subphase completion date.

The implementation of the above revisions in the project re-advertisement has resulted in the submission of a lower base bid total amount (\$51,466,428.00) by OEC-Paradise, JV.

This project is structured to provide for the installation of infrastructure for the eRTGs to ensure a greater economical/efficient usage of the SFCT cargo terminal footprint by stacking containers higher in order to achieve a potential 500,000 increase in Twenty-Foot Equivalent Unit (TEU) volume. In addition, the completion of the project shall benefit the growth of PortMiami via increases to SFCT's output by approximately five hundred (500) crane hours and up to a forty percent (40%) increase in cargo movement.

Seaport Expedite and Acceleration Ordinance

On April 5, 2016, the Board approved Ordinance No. 16-38 authorizing the County Mayor or County Mayor's designee to award, execute, and implement contracts for previously funded capital projects and related goods and services for projects identified in the Seaport's Multi-Year Capital Plan's Capital Improvements Program,

without the need for prior Board approval, but subject to ratification by the Board. The accelerated approval process, provided through the Seaport Expedite and Acceleration Ordinance, reduces the time period to award a contract by approximately sixty (60) to ninety (90) days to assist the Seaport in meeting its tenant commitments and project deadlines.

In order for a project and contract to be awarded, executed, and managed under the Seaport Expedite and Acceleration Ordinance, this Board must first include the proposed project in the approved capital improvement program, which the Board did (via Resolution No. R-989-19) at the September 19, 2019, Miami-Dade Board of County Commissioners Meeting and in connection with the adoption of the Seaport's budget for Fiscal Years 2023/24, 2024/25, and 2025/26. In addition, (1) the award value of the contract and operational considerations have been reviewed and approved by the Office of Management and Budget (OMB); (2) the base value of the recommended award (\$51,466,428.00) is approximately 0.13 percent below the Seaport's revised base estimate (\$51,535,933.34); (3) the Contractor receiving the award has submitted the required condition of award documentation as well as the required insurance and bond documents; and (4) no timely bid protests have been filed.

In addition, as part of the extensive due diligence verification process, PortMiami staff compiled information regarding OEC USA, Inc., and Paradise Awnings Corporation's prior experience with Miami-Dade County. OEC-Paradise has no experience as a Prime Contractor or Subcontractor on any Miami-Dade County (County) project. However, OEC USA, Inc., has been a Prime Contractor on two (2) County projects and a Subcontractor on three (3) County projects. Paradise Awnings Corporation has been a Prime Contractor on seven (7) County projects and a Subcontractor on twenty-seven (27) County projects.

PortMiami has determined that the proposed contract ratification under this agenda item meets the eligibility criteria for the use of the Seaport Expedite and Acceleration Ordinance set forth above.

Due Diligence/Safety Information

Due diligence was conducted by the Seaport and the Internal Services Department (ISD) in accordance with ISD's Procurement Guidelines to determine responsibility, including verifying corporate status; performance; safety records, including Occupational Safety and Health Administration (OSHA) records; and compliance data. The lists that were reviewed include: Sun Biz, convicted vendors, debarred vendors, delinquent contractors, suspended vendors, federal excluded parties, and SBD History of Violations Report. There were no adverse findings related to the Contractor's responsibility. This information is being provided pursuant to Resolution Nos. R-187-12 and R-1181-18.

Ratification of Contract

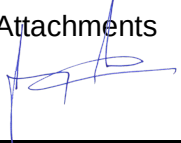
Exhibit A includes the details of the competitively bid award for which ratification is being requested. Exhibit A contains the information bulleted below for the contract award:

- Department Name
- Type of Solicitation
- Contract Type
- Project No. / Contract No.
- Project Name
- Firm Awarded
- Commission District
- Contract Amount
- Funding Source(s)
- Operations and Maintenance Costs
- Start Date / End Date
- Contract Measures (SBE-Construction; SBE-Goods; SBE-Services; and CWP)
- Brief Project Description

Attached as Exhibit B is the Recommendation to Award of the contract referenced in this memorandum. The contract referenced has been executed by the County Mayor or County Mayor's designee in accordance with the Seaport Expedite and Acceleration Ordinance.

Attached as Exhibit C is Resolution No. R-989-19 dated September 19, 2019, referenced in this memorandum.

Attachments

A handwritten signature in blue ink, appearing to read 'Jimmy Morales', is written over a horizontal line.

Jimmy Morales
Chief Operating Officer

EXHIBIT A

Ratification of Contract Award Authorized by the Seaport Acceleration Ordinance

South Florida Container Terminal (SFCT) Cargo Yard Densification,
Electrified Rubber Tired Gantry (eRTGs) Phase 2
Project No. 2017-034.02-R / Contract No. 2017-034.02-R

Department Name	Miami-Dade County Seaport Department
Type of Solicitation	County Bid Process
Contract Type	Construction Contract
Contract No. / Project No.	2017-034.02-R / 2017-034.02-R
Project Name	South Florida Container Terminal (SFCT) Cargo Yard Densification, Electrified Rubber Tired Gantry (eRTGs) Phase 2
Firm Awarded	OEC-Paradise, JV
Commission District	District 5 - Honorable Eileen Higgins
Contract Amount	\$63,627,735.00
Funding Source(s)	U.S. Department of Transportation Maritime Administration (MARAD) Funds; FDOT Funds; and Future Financing
Operations and Maintenance Costs	Throughout the life of the asset, there will be no impacts on operating costs as this is an infrastructure improvement project. The maintenance cost impact for the drainage shall be \$25,000.00 annually. This remaining infrastructure maintenance cost impact will be borne by SFCT.
Start Date / End Date	June 3, 2024 / February 25, 2026
Contract Measures (SBE-Construction; SBE-Goods; SBE-Services; and CWP)	Small Business Enterprise and Community Workforce Program (CWP) measure(s) shall not be applicable as this Project/Contract is funded in part by the United States Department of Transportation Maritime Administration (MARAD) under the PortMiami Cargo Yard Resiliency Improvements and Fumigation and Cold Chain Processing Center Project - Fiscal Year 2019 Port Infrastructure Development Program (PIDP) - PIDP Grant No. 693JF72040023 and the Florida Department of Transportation (FDOT) - Grant No. G1Y84 (Financial Project No. 440616-1-94-02) for Port of Miami Upland Cargo Improvements.
Brief Project Description	This project, part of the Port's net zero program, is designed to increase cargo throughput and reduce diesel equipment dependency at PortMiami by electrifying the cargo container handling operations of SFCT at PortMiami. SFCT has committed to the replacement of its existing conventional diesel-powered toploaders with twelve (12) new Electrified Rubber Tired Gantries (eRTGs) at an estimated cost of approximately \$18 million and PortMiami has committed to providing the infrastructure to operate the new eRTGs. This use of new eRTGs will result in significant reductions in greenhouse gas emissions for our local community as well as increase operational efficiencies.

EXHIBIT B

CONTRACT AWARD RECOMMENDATION

SOUTH FLORIDA CONTAINER TERMINAL (SFCT)
CARGO YARD DENSIFICATION, ELECTRIFIED
RUBBER TIRED GANTRY (ERTGS) PHASE 2

PROJECT NO. 2017-034.02-R
CONTRACT NO. 2017-034.02-R

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

CONSTRUCTION CONTRACT

STATE OF FL) ss.:
 Miami-
COUNTY OF Dade)

THIS AGREEMENT made and entered into as of the 18 day of April, 2024, by and between **Miami-Dade County** and **OEC-Paradise, JV** hereinafter called the Contractor:

WITNESSETH, that the said Contractor for and in consideration of the payments hereinafter specified and agreed to be made by Miami-Dade County, hereby covenants and agrees to furnish and deliver all the materials required, to do and perform all the work and labor required to complete **CONTRACT / PROJECT NO. 2017-034.02-R**, entitled, **SFCT CARGO YARD DENSIFICATION (eRTGs) PHASE 2**, within the time specified, in strict and entire conformity with the Contract Documents hereinafter listed, which are hereby incorporated into this Contract by reference:

Contract Documents: Conformed Contract Specifications and Drawings

The Contractor agrees to make payment of all proper charges for labor and materials required in the aforementioned work, and to defend, indemnify and save harmless Miami-Dade County and all its officers and agents against and from all suits and costs of every kind and description, and from all damages to which the said Miami-Dade County or any of its officers and agents may be put, by reason of injury or death to persons or injury to property of others resulting from the performance of said work, or through the negligence of the Contractor, or through any improper or defective machinery, implements or appliances used by the Contractor in the aforesaid work, or through any act or omission on the part of the Contractor, or his agent or agents, employees or servants.

The Contractor agrees that the requirements of this contract are reasonable and achievable.

In consideration of the premises, Miami-Dade County hereby agrees to pay to the Contractor for said work, when fully completed, the total sum not to exceed of **Sixty-Three Million Six Hundred Twenty-Seven Thousand Seven Hundred Thirty-Five And 00/100 (\$63,627,735.00)**, being the amount obtained from either the aggregate lump sum prices, the application of unit prices to the quantities shown in the Bid Form or the combination of both.

The total sum is subject to such additions and deductions as may be provided for in the Contract Documents.

Payments on account will be made as provided for in the Contract Documents.

In Witness whereof, the parties hereto have caused this Contract to be executed by their appropriate officials, as of the date first above written.

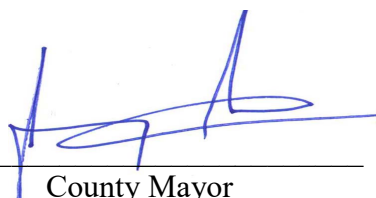


MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

ATTEST:

JUAN FERNANDEZ-BARQUIN, CLERK

By:  04/18/2024
Deputy Clerk Anthony Lavadie - e302751

By:  County Mayor
Jimmy Morales, Chief Operations Officer

Approved by County Attorney Miguel A. Gonzalez
as to Form and Legal Sufficiency _____

When Contractor is a partnership:

[Signature]
Witness
[Signature]
Witness

OEC-Paradise, JV
(printed name of partnership)
By [Signature]
(signature of partner)
James Storey / Manuel Alcibar
(printed name of partner)
4310 NW 36 Ave
Miami, FL 33142
(address)

ACKNOWLEDGMENT:

STATE OF Florida) ss.:

COUNTY OF Miami-Dade)

SUBSCRIBED AND SWORN TO (or affirmed) before me on March 19, 2024
(Date)

by James Storey and Manual Alcibar ^{They are} ~~He / She~~ is personally known to me
(Affiant)

or has presented N/A as identification.
(Type of Identification)

[Signature]
(Signature of Notary)

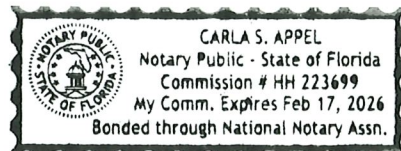
Carla S. Appel
(Print or Stamp Name of Notary)

Notary Public Florida
(State)

HH 223699
(Serial Number)

February 17, 2026
(Expiration Date)

Notary Seal:



Memorandum



Date: April 18, 2024

To: Daniella Levine Cava
County Mayor

Through: Jimmy Morales
Chief Operations Officer

From: Hydi Webb
Director
Seaport Department *Hydi Webb*

Subject: Contract Award Recommendation for South Florida Container Terminal (SFCT) Cargo Yard Densification, Electrified Rubber Tired Gantry (eRTGs) Phase 2 - Project No: 2017-034.02-R; Contract No: 2017-034.02-R, to OEC-Paradise, JV

RECOMMENDATION

This Recommendation for Award for Construction Contract Number 2017-034.02-R between OEC-Paradise, JV (OEC-Paradise) and Miami-Dade County (County) has been prepared by the Seaport Department (PortMiami), and is recommended for approval for a total contract amount not to exceed \$63,627,735.00, inclusive of a base bid amount of \$51,466,428.00; a contingency allowance amount of \$5,146,642.80; a dedicated allowance amount (permits) of \$514,664.20; and a dedicated allowance amount (equipment) of \$6,500,000.00. This item will be presented for execution before the Board of County Commissioners (Board) approval pursuant to authority delegated under the Miami-Dade Seaport Department Capital Improvement Programs Expedite and Acceleration Ordinance (Seaport Expedite and Acceleration Ordinance) in accordance with Resolution No. R-989-19.

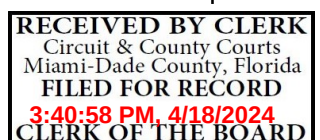
SCOPE

This project, part of the Port's net zero program, is designed to increase cargo throughput and reduce diesel equipment dependency at PortMiami by electrifying the cargo container handling operations of South Florida Container Terminal (SFCT) at PortMiami. SFCT has committed to the replacement of its existing conventional diesel-powered toploaders with twelve (12) new Electrified Rubber Tired Gantries (eRTGs) at an estimated cost of approximately \$18 million and PortMiami has committed to providing the infrastructure to operate the new eRTGs. This use of new eRTGs will result in significant reductions in greenhouse gas emissions for our local community as well as increase operational efficiencies.

This project will be awarded as authorized under Section 2-8.2.15 of the Miami-Dade County Code related to the Seaport Expedite and Acceleration Ordinance. In addition, this project will receive reimbursement from federal funds in the amount of \$10,428,393.00 through the United States Department of Transportation Maritime Administration (MARAD) under the PortMiami Cargo Yard Resiliency Improvements and Fumigation and Cold Chain Processing Center Project - Fiscal Year 2019 Port Infrastructure Development Program (PIDP) - PIDP Grant No. 693JF72040023 and from state funds in the amount of \$18,340,024.00 through the Florida Department of Transportation (FDOT) - Grant No. G1Y84 (Financial Project No. 440616-1-94-02) for Port of Miami Upland Cargo Improvements, and as such, all applicable Federal Laws, State Laws, Regulations, Executive Orders, and USDOT (MARAD)/FDOT policies, procedures, and directives are required.

It is important to note that due to MARAD and FDOT grant procurement guidelines, local preferences are precluded from the project. However, Davis-Bacon prevailing wages are applicable to the project. In addition, it is PortMiami's intent to ensure that Bidders invite certified Disadvantaged Business Enterprise

MDC011



(DBE) firms to have an opportunity to participate in the performance of federally-funded contracts, and for Bidders to take all necessary and reasonable steps to make such assurances. DBE's and other small businesses, as defined in Title 49 CFR Part 26, are encouraged to participate in the performance of agreements financed in whole or in part with federal funds.

The Scope of Work consists of furnishing materials, labor, and equipment necessary for the construction of improvements to the existing cargo yard to facilitate the use of eRTGs for moving and stacking/storage of shipping containers. The Scope of Work consists of, but is not limited to:

- i. The construction of reinforced concrete runway grade beams, crossing pads, and turning pads; and refrigeration container rack (reefer rack) structures.
- ii. Stormwater drainage improvements to reduce flooding due to climate change and consideration for a projected sea level rise of approximately three (3) feet over the project's life expectancy.
- iii. Pavement improvements, mill and overlays, and pavement markings for roadway and container stacks.
- iv. Electrical service and concrete equipment pads to provide power to the eRTG bus bars/conductor and reefer racks. The Contractor will be responsible for coordinating work, schedule, and pick up of the materials to be provided by Florida Power & Light Company (FPL).
- v. Installation of a bus bars/conductor system that provides the electrical connection to power the eRTGs which will be provided by PortMiami under the supervision of the vendor's technical representative. The vendor's technical representative will provide and supervise the commissioning procedure(s). Electrical coordination with the installation and commissioning of the eRTGs will be required to complete the bus bars/conductor system.
- vi. Removal and installation of the Wi-Fi pole, mass-notification pole, and high-mast lighting poles.
- vii. Installation of fiber optic communication hub, infrastructure cabling and enclosures, and splice connections.

BACKGROUND

The original solicitation for Project / Contract No. 2017-034.02 was advertised on June 22, 2023. On July 26, 2023, PortMiami received and opened one (1) bid with a base bid amount of \$65,780,000.00. The base bid total was approximately 58.05% above the Engineer of Record's (EOR) base estimate of \$41,619,495.60. Nonetheless, as per Miami-Dade County Procurement guidelines, a comprehensive review of the submitted bid package was performed by PortMiami's staff and the EOR to determine the overall responsiveness and responsibilities to all the bid requirements. In addition, PortMiami and the EOR conducted an extensive in-person bid package review meeting with the Bidder.

As a result of these collaborative actions, PortMiami and the EOR identified adverse issues with the original project solicitation as well as recommended revisions that have been incorporated into the revised contract documents for this project re-advertisement.

Among the revisions are: (i) the construction sequence phasing has been reduced; (ii) the construction durations for paint curing have been extended whenever the installation of final pavement striping is required; (iii) extensions of time have been revised to allow excusable scheduling delays; and (iv) liquidated damages will only apply to each individual construction subphase completion date.

The implementation of the above revisions in the project re-advertisement has resulted in the submission of a lower base bid total amount (\$51,466,428.00) by OEC-Paradise, JV.

This project is designed to increase cargo throughput and reduce diesel equipment dependency at PortMiami by electrifying the operations of SFCT. The installation of infrastructure for the eRTGs shall ensure a greater economical/efficient usage of the SFCT cargo terminal footprint by stacking containers higher in order to achieve a potential 500,000 increase in Twenty-Foot Equivalent Unit (TEU) volume. In addition, the completion of the project shall benefit the growth of PortMiami via increases to SFCT's output by approximately five hundred (500) crane hours and up to a forty percent (40%) increase in cargo movement.

FISCAL IMPACT/FUNDING SOURCE

<u>FUNDING SOURCE:</u>	<u>SOURCE</u>	<u>PROJECT NUM</u>	<u>SITE #</u>	<u>AMOUNT</u>
	U.S. Department of Transportation Maritime Administration (MARAD) Funds - PIDP	647150	#69556	\$10,428,393.00
	FDOT Funds	647150	#69556	\$18,340,024.00
	Future Financing	<u>647150</u>	<u>#69556</u>	<u>\$34,859,318.00</u>
	Total Funding:			\$63,627,735.00

**OPERATIONS
COST IMPACT /
FUNDING:** Throughout the life of the asset, there will be no impacts on operating costs as this is an infrastructure improvement project.

**MAINTENANCE
COST IMPACT /
FUNDING:** The maintenance cost impact for the drainage shall be \$25,000.00 annually. This remaining infrastructure maintenance cost impact will be borne by SFCT.

**LIFE
EXPECTANCY OF
ASSET:** The life expectancies of the principal assets are as follows: (i) reinforced concrete pipe (RCP) drainage a minimum of 100 years; (ii) concrete runways up to 40 years; (iii) fiber optic cable a minimum of 40 years; (iv) switchboard in excess of 30 years; (v) FPL transformer in excess of 20 years; and (vi) pavement markings from 2 to 10 years.

PTP FUNDING: No

GOB FUNDING: No

ARRA FUNDING: No

<u>CAPITAL BUDGET PROJECTS:</u>	<u>CAPITAL BUDGET PROJECT # - DESCRIPTION</u>	<u>AWARD ESTIMATE</u>
	647150 - INFRASTRUCTURE IMPROVEMENTS - SOUTH FLORIDA CONTAINER TERMINAL Book Page: 221 - Adopted Budget and Multi-Year Capital Plan FY 23-24 (FDOT Funds) Funding Year: FY PRIOR	\$4,585,000.00

647150 - INFRASTRUCTURE IMPROVEMENTS - SOUTH FLORIDA CONTAINER TERMINAL Book Page: 221 - Adopted Budget and Multi-Year Capital Plan FY 23-24 (US DOT Funds) Funding Year: FY PRIOR	\$1,490,000.00
647150 - INFRASTRUCTURE IMPROVEMENTS - SOUTH FLORIDA CONTAINER TERMINAL Book Page: 221 - Adopted Budget and Multi-Year Capital Plan FY 23-24 (FDOT Funds) Funding Year: FY 2023-2024	\$4,585,000.00
647150 - INFRASTRUCTURE IMPROVEMENTS - SOUTH FLORIDA CONTAINER TERMINAL Book Page: 221 - Adopted Budget and Multi-Year Capital Plan FY 23-24 (Future Financing) Funding Year: FY 2023- 2024	\$8,125,000.00
647150 - INFRASTRUCTURE IMPROVEMENTS - SOUTH FLORIDA CONTAINER TERMINAL Book Page: 221 - Adopted Budget and Multi-Year Capital Plan FY 23-24 (US DOT Funds) Funding Year: FY 2023- 2024	\$1,490,000.00
647150 - INFRASTRUCTURE IMPROVEMENTS - SOUTH FLORIDA CONTAINER TERMINAL Book Page: 221 - Adopted Budget and Multi-Year Capital Plan FY 23-24 (FDOT Funds) Funding Year: FY 2024-2025	\$4,585,000.00
647150 - INFRASTRUCTURE IMPROVEMENTS - SOUTH FLORIDA CONTAINER TERMINAL Book Page: 221 - Adopted Budget and Multi-Year Capital Plan FY 23-24 (Future Financing) Funding Year: FY 2024- 2025	\$18,744,000.00
647150 - INFRASTRUCTURE IMPROVEMENTS - SOUTH FLORIDA CONTAINER TERMINAL Book Page: 221 - Adopted Budget and Multi-Year Capital Plan FY 23-24 (US DOT Funds) Funding Year: FY 2024- 2025	\$1,490,000.00
647150 – INFRASTRUCTURE IMPROVEMENTS - SOUTH FLORIDA CONTAINER TERMINAL Book Page: 221 - Adopted Budget and Multi-Year Capital Plan FY 23-24 (FDOT Funds) Funding Year: FY 2025-2026	\$4,585,024.00
647150 – INFRASTRUCTURE IMPROVEMENTS - SOUTH FLORIDA CONTAINER TERMINAL Book Page: 221 - Adopted Budget and Multi-Year Capital	\$7,990,318.00

Plan FY 23-24 (Future Financing) Funding Year: FY 2025-2026

647150 - INFRASTRUCTURE IMPROVEMENTS - SOUTH FLORIDA CONTAINER TERMINAL \$5,958,393.00

Book Page: 221 - Adopted Budget and Multi-Year Capital Plan FY 23-24 (US DOT Funds) Funding Year: FY 2025-2026

CAPITAL BUDGET PROJECTS TOTAL: \$63,627,735.00

**PROJECT
 TECHNICAL
 CERTIFICATION
 REQUIREMENTS:**

Miami-Dade County Contractor's Certification is required in one of the following categories: General Contractor, General Engineering, or other categories as applicable to Chapter 10 of the Miami-Dade County Code, or State of Florida General Contractor's License.

**SUSTAINABLE
 BUILDINGS
 ORDINANCE:
 (I.O. NO. 8-8)**

Did the project require compliance with the Sustainable Buildings Program?
 No - Not Applicable

**SEA LEVEL RISE
 (ORD. NO. 14-79)**

The impact of sea level rise has been considered as part of the design.

**BID PACKAGES
 ISSUED:**

8

BIDS RECEIVED:

3

**TOTAL
 CONTRACT
 PERIOD:**

632 Calendar Days

**CONTINGENCY
 PERIOD:**

10% of the project duration

**IG FEE
 INCLUDED IN
 BASE
 CONTRACT:**

No (Grant Funding)

**ART IN PUBLIC
 PLACES:**

No

BASE ESTIMATE: \$51,535,933.34

**BASE
 CONTRACT
 AMOUNT:**

\$51,466,428.00

CONTINGENCY ALLOWANCE (SECTION 2-8.1 MIAMI DADE COUNTY CODE):	TYPE	PERCENT	AMOUNT	COMMENT
	Infrastructure	10.00%	\$5,146,642.80	
PERMIT FEES:				
	\$514,664.20	1.00%		
EQUIPMENT:			\$6,500,000.00	
TOTAL DEDICATED ALLOWANCE:			\$7,014,664.20	
TOTAL AMOUNT:			\$63,627,735.00	

DELEGATED AUTHORITY

On April 5, 2016, the Board approved Ordinance No. 16-38 authorizing the County Mayor or County Mayor's designee to award, execute, and implement contracts for previously funded capital projects and related goods and services for projects identified in PortMiami's Multi-Year Capital Plan's Capital Improvements Program, without the need for prior Board approval, but subject to ratification by the Board. The accelerated approval process, provided through the Seaport Expedite and Acceleration Ordinance, reduces the time to award a contract by approximately sixty (60) to ninety (90) days to assist PortMiami in meeting its County and tenant commitments. Moreover, on September 19, 2019, via Resolution No. R-989-19, the Board authorized the County Mayor or the County Mayor's designee to award a contract for the SFCT Cargo Yard Densification eRTGs Phase 2 Project in accordance with the Seaport Expedite and Acceleration Ordinance. In accordance with the Seaport Expedite and Acceleration Ordinance, the SFCT Cargo Yard Densification eRTGs Phase 2 Agreement includes a termination for convenience provision that will be exercised if the Board declines to ratify the execution of the agreement.

TRACK RECORD/MONITOR

SBD HISTORY OF VIOLATIONS: Yes. Report Attached

EXPLANATION: The project was re-advertised on February 22, 2024, with an original base estimate of \$51,940,933.34 and was subsequently revised downward to \$51,535,933.34, due to Addendum No. 3 which was issued during the bidding process to provide clarifications and reductions to the required scope of work.

Three (3) bids were received by March 13, 2024, and opened. The received base bid amounts (excluding allowance accounts) were \$51,466,428.00 from OEC-Paradise; \$65,600,000.00 from Hypower, LLC; and \$67,625,000.00 from Kiewit Infrastructure South Co. OEC-Paradise's bid is -0.91% lower than the original base estimate

(\$51,940,933.34) and -0.13% lower than the revised base estimate (\$51,535,933.34).

The bids were reviewed by PortMiami staff and the EOR to determine whether the apparent lowest bidder OEC-Paradise is responsive and responsible to all bid requirements. OEC-Paradise is a partnership / joint venture between OEC USA, Inc., and Paradise Awnings Corporation. As a Partnership/Joint Venture, OEC-Paradise has less than one (1) year of experience. However, the individual firms have a total combined fifty-nine (59) years of experience: OEC USA, Inc., (34 years) and Paradise Awnings Corporation (25 years).

Pursuant to Resolution R-187-12, and in accordance with the Internal Services Department's Procurement Guidelines, PortMiami staff exercised due diligence to determine the Contractor's responsibility. The lists that were referenced included: Sun Biz, Small Business Development (SBD) History of Violations Report, convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. PortMiami has also worked closely with the Internal Services Department in the issuance of this Award Recommendation. Please note that on April 4, 2022, Paradise Awnings Corporation was issued a SBD wage violation due to a \$39,351.85 underpayment to its employees. This wage violation was resolved and SBD subsequently changed the wage violation status to closed on May 10, 2022.

In addition, PortMiami staff and the EOR reviewed the business references included in OEC-Paradise's bid package and deemed their experience for projects similar in size and complexity to be in compliance with the contract requirements.

Additionally, as part of the due diligence verification process, PortMiami staff compiled information regarding OEC USA, Inc., and Paradise Awnings Corporation's prior experience with Miami-Dade County. OEC-Paradise has no experience as a Prime Contractor or Subcontractor on any Miami-Dade County (County) project. However, OEC USA, Inc., has been a Prime Contractor on two (2) County projects and a Subcontractor on three (3) County projects. Paradise Awnings Corporation has been a Prime Contractor on seven (7) County projects and a Subcontractor on twenty-seven (27) County projects.

Finally, in accordance with Resolution No. R-1181-18, PortMiami considered the safety records of OEC USA, Inc., and Paradise Awnings Corporation. The information provided by OEC-Paradise and the information verified by PortMiami through its own research, has determined that the safety records do not adversely affect the responsibility of OEC-Paradise.

As a result of these comprehensive reviews, PortMiami and the EOR have confirmed that OEC-Paradise has the extensive experience, impressive portfolio of current/completed projects, and available professional staffing needed to successfully complete the scope of work for the price stated in their submitted bid package.

SUBMITTAL DATE: 03/13/2024

ESTIMATED NOTICE TO PROCEED: 05/13/2024

PRIME CONTRACTOR: OEC-Paradise, JV (A partnership / joint venture between OEC USA, Inc., and Paradise Awnings Corporation.)

COMPANY PRINCIPALS: Manuel Alcibar and James Storey

COMPANY QUALIFIERS: Manuel Alcibar and James Storey

COMPANY EMAIL ADDRESSES: malcibar@panelsandsteel.com and jstorey@oec-eng.com

COMPANY STREET ADDRESS: 4310 N.W. 36 Avenue

COMPANY CITY-STATE-ZIP: Miami, Florida 33142

YEARS IN BUSINESS: As a Partnership/Joint Venture less than 1 year of experience. However, the individual firms have a total combined 59 years of experience: OEC USA, Inc., (34 years) and Paradise Awnings Corporation (25 years).

PREVIOUS EXPERIENCE WITH COUNTY IN THE LAST FIVE YEARS: OEC-Paradise: None as a Prime Contractor or Subcontractor. OEC USA, Inc.: Two (2) times as a Prime Contractor & three (3) times as a Subcontractor. Paradise Awnings Corporation: Seven (7) times as a Prime Contractor and twenty-seven (27) times as a Subcontractor.

SUBCONTRACTORS: Fisk Electric Company

MINIMUM QUALIFICATIONS EXCEED LEGAL REQUIREMENTS: Yes

- With the bid, the successful Bidder shall submit proof that his/her firm has at least the minimum successful contract experience as required below for this Contract being bid. Such proof shall consist of a list of projects, completed prior to the bid date, with the names and telephone numbers of the owners or representatives that the Department can contact to confirm the listed experience.
- The Prime Contractor or Subcontractors, shall have completed a minimum of three (3) projects of a similar scope

during the past ten (10) years where one (1) of the projects was completed within the past five (5) years under the firm's current business name. The Contractor and/or Key Personnel can meet the identified requirements, in accordance with Miami-Dade County Resolution R- 1122-21. Project examples of a similar scope may include heavy civil, site construction in an active terminal (i.e. container terminal, aviation terminal), civil preparation of compacted soils, placement of rebar, and continuous-pour placement of high-strength concrete for foundations. Project examples may include heavy civil construction in an active terminal (i.e. container terminal, aviation terminal), building foundations for multi-story building (in excess of three stories); cast-in-place bulkheads at deep water facility; forming and placement of equipment foundations with pile caps, footers, and slab in excess of 18 inches (5,000 psi concrete).

- The Electrical Subcontractor shall have completed a minimum of three (3) projects of a similar scope during the past ten (10) years where one (1) of the projects was completed within the past five (5) years under the firm's current business name. The Electrical Contractor and/or Key Personnel can meet the identified requirements, in accordance with Miami-Dade County Resolution R- 1122-21.
- Project examples of a similar scope may include experience with installation of underground electrical distribution systems of which the value of the work exceeded \$1,000,000.00, electrical distribution system for housing development of 100 units or more, electrical distribution system for shopping mall, or electrical distribution for a multiple-building industrial site.
- Such proof shall consist of a list of projects, completed prior to the bid date, with the names and telephone numbers of the owners or representatives that PortMiami can contact to confirm the listed experience.

REVIEW COMMITTEE:

MEETING DATE: 02/05/2024

SIGNOFF DATE: 02/12/2024

**APPLICABLE WAGES:
(RESOLUTION No. R-54-
10)**

Due to grant funding from MARAD and FDOT, Davis-Bacon wages are applicable.

**REVIEW COMMITTEE
ASSIGNED CONTRACT
MEASURES:**

N/A due to grant funding from MARAD and FDOT.

MANDATORY CLEARING No
HOUSE:

CONTRACT MANAGER Frank Ramirez (305) 347-5508 frank.ramirez@miamidade.gov
NAME / PHONE / EMAIL:

PROJECT MANAGER
NAME / PHONE / EMAIL: Helga Sommer (305) 347-3229 helga.sommer@miamidade.gov

**BUDGET APPROVAL
FUNDS AVAILABLE:**

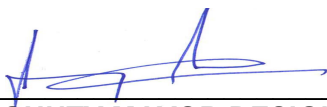


OMB DIRECTOR *CH* 4/9/24
DATE

**APPROVED AS TO
LEGAL SUFFICIENCY:**

Miguel A. Gonzalez

COUNTY ATTORNEY 04/04/2024
DATE

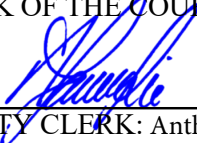


COUNTY MAYOR DESIGNEE 4/17/2024
DATE

CLERK



ATTEST:
JUAN FERNANDEZ-BARQUIN,
CLERK OF THE COURT AND COMPTROLLER



DEPUTY CLERK: Anthony Lavadie - e302751

04/18/2024

DATE



Compliance Report of Open and Closed Small Business, Wage and/or Workforce Violations in the last three (3) years as of 3/14/2024

Office of Small Business Development
111 NW 1st Street 19th Floor
Miami, FL 33128
305-375-3111

MDCSBD_VIOLATIONS_20240314_1000.txt

PARADISE AWNINGS CORPORATION

2-11.16, Responsible Wages and Benefits for Construction Services (RWB) - (1) A fourth underpayment violation shall constitute a default of the subject contract and may be cause for suspension or termination in accordance with the contract's terms and debarment in accordance with the debarment procedures of the County. (2) A contractor with unpaid wages or penalties shall not be deemed responsible to perform subsequent County construction contracts and shall be ineligible to be awarded such contracts for so long as the identified underpayment or any penalties imposed therefor remain outstanding, not to exceed three years.

ID #	Date of Violation	Project Number	Dept	Underpayment Amount Identified	Underpayment Amount Recovered	SBE Goal Deficit Makeup Amount	SBE Goal Deficit Makeup Balance	Unpaid Penalty	Violation Reason	Violation Status	Closed Date
23038	4/4/2022	DB19-SEA-01_0001	SP	\$39,351.85	\$39,351.85		\$0.00	\$0.00	Wage Violation - Underpaid employees	Closed	5/10/2022
2-11.16 - Summary											

MDC022

EXHIBIT C

RESOLUTION NO. R-989-19
(DATED SEPTEMBER 19, 2019)

SOUTH FLORIDA CONTAINER TERMINAL (SFCT)
CARGO YARD DENSIFICATION, ELECTRIFIED
RUBBER TIRED GANTRY (ERTGS) PHASE 2

PROJECT NO. 2017-034.02-R
CONTRACT NO. 2017-034.02-R

MEMORANDUM

Special Item No. 7

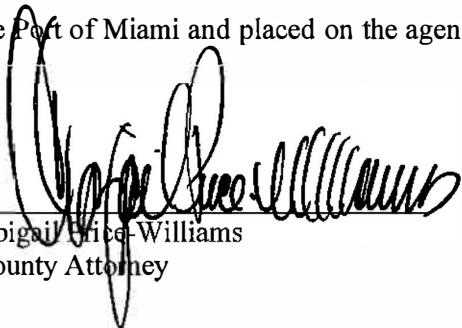
TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: September 19, 2019

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution authorizing the County Mayor to negotiate and execute a Third Amendment to the Terminal Operating Agreement between Terminal Link (Miami) LLC ("TLM") and Miami-Dade County with an estimated fiscal impact to the County of approximately \$35,000,000.00 representing the cost of the improvements to be made and reduced rental revenues to the County resulting from TLM's reduced footprint; adding the "Cargo Gates Modification and Process Improvement Project," with an anticipated fiscal impact of \$18,000,000.00, to the list of capital improvement projects to which section 2-8.2.15 applies; finds that the Cargo Yard Improvement and Demolition/Removal Project is a qualifying project under sections 125.012(2) and 125.012(24) of the Florida Statutes and authorizes the County Mayor to contract with TLM for the design and construction of that work, in an amount not to exceed \$2,000,000.00, using any legally available funds to meet the County's obligation; and waives the provisions of Resolution No. R-130-06

The accompanying resolution was prepared by the Port of Miami and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa.



Abigail Price-Williams
County Attorney

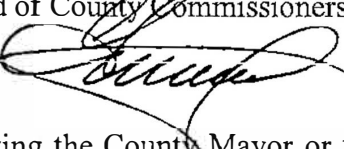
APW/smm

Memorandum



Date: September 19, 2019

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez 
Mayor

Subject: Resolution Authorizing the County Mayor or the County Mayor's Designee to Negotiate and Execute the Third Amendment to the Terminal Operating Agreement Between Miami-Dade County and Terminal Link (Miami) LLC; Adding the Cargo Gate Modifications and Process Improvement Process to the List of Capital Improvement Programs to Use the Seaport Expedite Ordinance; Finding that Cargo Yard Improvement and Demolition/Removal Project is a Qualifying Project Under Sections 125.012(2) and 125.012(24) of the Florida Statutes; and Waiving the Requirements of Resolution No. R-130-06

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the accompanying resolution:

1. Authorizing the County Mayor or the County Mayor's Designee to negotiate and execute the Third Amendment (Amendment) to the Terminal Operating Agreement (Original Agreement) between Miami-Dade County (County) and Terminal Link (Miami) LLC (TLM or Operator) with an estimated fiscal impact to the County of \$35 million in capital improvement costs to be borne by the County and foregone revenues from the reduced footprint of TLM's yard;
2. Adding the "Cargo Gates Modifications and Process Improvement Project," with an anticipated fiscal impact to the County of \$18 million to the list of Capital Improvement Projects to which the "Miami-Dade Seaport Department Capital Improvement Programs Expedite and Acceleration Ordinance," Section 2-8.2.15 of the Code of Miami-Dade County, Florida, applies;
3. Finding that the cargo yard improvement and demolition/removal project is a qualifying project under Section 125.012(2) and 125.012(24) of the Florida Statutes, and authorizing the County Mayor or County Mayor's designee to enter into a contract with TLM for the design and construction of the cargo yard improvement and demolition/removal project, provided that said contract shall not have a fiscal impact to the County exceeding approximately \$2,000,000; and
4. Waiving the provisions of Resolution No. R-130-06 requiring execution by all parties of the agreement prior to approval by this Board.

Scope

PortMiami is located within District 5 of Miami-Dade County, which is represented by Commissioner Eileen Higgins. The impact of this agenda item is countywide, as the Port is a regional asset and generates employment for residents throughout Miami-Dade County.

Background

On July 1, 2008, the Board adopted Resolution No. R-763-08, approving the Original Agreement. This agreement included granting terminal operation rights to the Operator on approximately 71.32 acres of land while providing the Port with guaranteed cargo throughput volumes starting at 2,750 twenty-foot equivalent units (TEUs) per acre, escalating throughput guarantees, escalating TEU rates, guaranteed minimum crane rental revenues and escalating land rental rates. The Original Agreement also committed the parties to work together to construct a fully functional Rubber-Tired Gantry (RTG) system to densify the terminal area and increase capacity within two years of its original execution. Due to the world economic recession in 2008-09, this RTG densification phase did not occur at that time.

On July 6, 2016, the Board adopted Resolution R-578-16, approving Amendment No. 1 to the Original Agreement which included expanding the leased area to approximately 80.62 acres and further increased the guaranteed cargo volumes and revenues.

On November 8, 2018, the Board adopted Resolution No. R-1166-18, approving the Second Amendment to the Original Agreement. The Second Amendment reduced TLM's operating footprint by approximately 20 acres, subject to completion of certain required improvements to provide adequate space for Cruise Terminals AA and AAA, while simultaneously creating higher cargo throughput capacity per acre through TLM's purchase and use of electric Rubber-Tired Gantries (e-RTGs). Also, as part of the Second Amendment, the County committed to 1) construct the Phase I e-RTG densification project which provides increased cargo capacity on a smaller footprint; 2) construct cargo gates within TLM's smaller footprint; 3) acquire and transport four (4) diesel RTGs; and 4) contribute towards TLM's redevelopment of its Maintenance and Repair building (as it needs to be relocated for construction of the Cruise Terminal AA and AAA footprint) and purchase of bus bars, which are a component of the e-RTG project.

This proposed Third Amendment is structured to construct the Phase II e-RTG densification project that was contemplated as part of the Second Amendment. This resolution adds that project to the list of Capital Improvement Projects, so that the County Mayor or County Mayor's designee may procure design and construction of the project in accordance with the "Miami-Dade Seaport Department Capital Improvement Programs Expedite and Acceleration Ordinance," Section 2-8.2.15 of the Code of Miami-Dade County, Florida. This project is eligible for the Seaport Expedite Ordinance because it will be required by a revenue-generating contract, the Original Agreement as amended through the Third Amendment, and, as of the effective date of the resolution, remaining portions of the project would be listed on the Multi-Year Capital Plan.

The key benefits of this proposed Third Amendment allow growth for both the County and the Operator and include: 1) the return of approximately six acres of land from the Operator to the County to accommodate a future cruise Berth 10 and a common access road; 2) County's

construction of the Phase II project and a 250-space shared parking garage; 3) TLM's construction of an additional floor in the Operator's administration building, within the same timeframe agreed upon in Amendment No. 2, to be leased to PortMiami Crane Management (PMCM); 4) allow early access to certain areas to advance construction of the berths for Cruise Terminals AA and AAA and authorizes modification of certain land turnover milestones in the Second Amendment to the Terminal Operating Agreement; 5) extension of the term of TLM's current lease agreement for an additional 20 years for a new expiration date of September 30, 2053, and two five-year renewal options that would extend the term through 2063; and 6) TLM will order up to an additional twelve (12) e-RTGs at an estimated cost of \$18 million. The Agreement maintains guaranteed TEUs per acre and crane hours. With the extension of the term for an additional 30 years, including the renewal options, the guaranteed volumes will be capped in FY 2042-2043 at a maximum capacity of 5,500 TEUs per acre and 8,700 crane hours respectively. Rates for TEUs and crane rentals will continue to increase at 3 percent per annum throughout the term. Land rental rates will also continue to increase at 3 percent per annum.

The resolution also includes a finding that certain cargo yard improvement and demolition/removal is a qualifying project under Sections 125.012(2) and 125.012(24) of the Florida Statutes. This finding will allow TLM to utilize its already engaged contractor, subject to reimbursement by the County, for the completion of that work. The work is part of the work that the County committed to perform under the Second Amendment to the Original Agreement and the clearing of the land is necessary in connection with the County's ground lease for Cruise Terminals AA and AAA.

As each of the contemplated agreements have not been finalized, it is recommended that the requirements of Resolution No. R-130-06, requiring execution of agreements prior to Board consideration, be waived in this instance in the best interest of the County.

Fiscal Impact/Funding Source

This Agreement will guarantee \$975.3 million in County revenues through 2053 and \$1.75 billion if both extension options are exercised. Approximately \$400.1 million of these guaranteed revenues were listed as option revenue in the Second Amendment and are now guaranteed revenue.

The Third Amendment will have a fiscal impact of approximately \$35 million in additional funding obligations for the County.

The \$35 million represents the County's estimated expenditures on infrastructure upgrades for the Phase II project and includes the County's maximum expenditures towards TLM's purchase of busbars, which are a component of the e-RTG system, the 250-space shared parking garage for TLM, PMCM, and other port workers and gate automation support. This Third Amendment includes the reallocation of \$2 million that were to be used for acquisition and transportation of four diesel RTGs identified in the Second Amendment to be used as part of the approximate \$35 million infrastructure upgrades costs to the County.

Upon completion of the parking garage, at least 75 percent of the Phase II project, and return of approximately 6 acres of land, TLM's land rent will be reduced in accordance with the per acre rent amounts set forth in the Original Agreement, which will result in a reduction of the land rent

received by the County in the amount of approximately \$500,000 per year. This fiscal impact is part of the estimated \$35 million above.

Notwithstanding the costs of the aforementioned improvements, the County anticipates that this Amendment will have a positive fiscal impact to Port revenues. The proposed Third Amendment will further reduce TLM's operating footprint, increase its cargo capacity by 35 percent, and provide adequate space for a future Cruise Berth 10. This cruise berth will have the capacity to handle approximately one million additional cruise passenger movements per year by FY 2023-24. On average, based on existing agreements, one million passengers generate approximately \$20 million gross revenue.

TLM has committed to incurring the cost of ordering up to an additional 12 e-RTGs for the Phase II project at an estimated cost of \$18 million.

The construction contract solicitation for the Cargo Gates Modification and Process Improvements project was advertised, and bid submittals are expected September 23, 2019, in accordance with the standard County procurement process. A component of the Cargo Gates Modification and Process Improvements project (\$4 million) was obligated through the Second Amendment on November 8, 2018 which the Board approved through Resolution No. R-1166-18. Since the County has received grant funds to upgrade and modernize the Port's cargo gates through the United States Department of Transportation – Nationally Significant Freight and Highway Projects (INFRA Grants) for Fiscal Year 2017 (Board Resolution No. R-705-19) and the Florida Department of Transportation – Grant No. 440616, the entry gates contemplated in the Second Amendment are now part of the \$18 million Cargo Gates Modification and Process Improvement project.

The County has also committed to demolition/removal of certain TLM structures in an amount not to exceed \$2 million.

Funding for the County's portion of the Phase II project, the Cargo Gate Modifications Process Improvement project, and demolition/removal of certain TLM structures shall be allocated from the Port's Fiscal Year 2020, 2021 and 2022 capital budgets using available proceeds from the Port's Commercial Paper Program (CPP), capital reserves and bond proceeds.

Track Record/Monitor

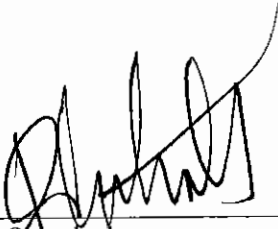
The Seaport Department staff members responsible for monitoring the Agreement are Hydi Webb, Deputy Director; Andy Hecker, Assistant Port Director, CFO; and Elizabeth Ogden, Assistant Port Director, Capital Development.

Delegated Authority

This item authorizes the County Mayor or County Mayor's designee to (1) negotiate and execute the Third Amendment to the TLM Operating Agreement on behalf of Miami-Dade County and to exercise, approve, or deny (as applicable) any cancellation rights, termination rights, berthing requests, and/or other County rights conferred in the Agreement; (2) utilize the "Miami-Dade Seaport Department Capital Improvement Programs Expedite and Acceleration Ordinance," Section 2-8.2.15 of the Code of Miami-Dade County, Florida, to perform work for the "Cargo

Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners
Page No. 5

Gates Modifications and Process Improvement Project” by adding the project to the list of Capital Improvement Projects; and (3) enter into an agreement with TLM for the performance of the cargo yard improvement and demolition/removal project, provided that said contract shall not have a fiscal impact to the County exceeding approximately \$37 million and to make payments due under that agreement utilizing any legally available funding source.



Jack Osterholt
Deputy Mayor

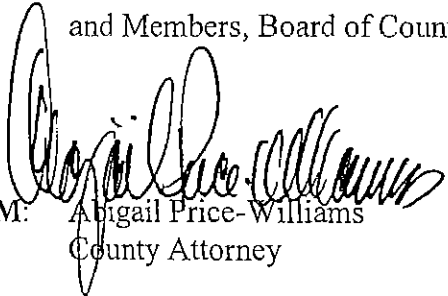


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: September 19, 2019

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Special Item No. 7

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 _____

Special Item No. 7

9-19-19

RESOLUTION NO. _____

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AND EXECUTE A THIRD AMENDMENT TO THE TERMINAL OPERATING AGREEMENT BETWEEN TERMINAL LINK (MIAMI) LLC ("TLM") AND MIAMI-DADE COUNTY WITH AN ESTIMATED FISCAL IMPACT TO THE COUNTY OF APPROXIMATELY \$35,000,000.00 REPRESENTING THE COST OF THE IMPROVEMENTS TO BE MADE AND REDUCED RENTAL REVENUES TO THE COUNTY RESULTING FROM TLM'S REDUCED FOOTPRINT; ADDING THE "CARGO GATES MODIFICATION AND PROCESS IMPROVEMENT PROJECT," WITH AN ANTICIPATED FISCAL IMPACT OF \$18,000,000.00, TO THE LIST OF CAPITAL IMPROVEMENT PROJECTS TO WHICH SECTION 2-8.2.15 APPLIES; FINDS THAT THE CARGO YARD IMPROVEMENT AND DEMOLITION/REMOVAL PROJECT IS A QUALIFYING PROJECT UNDER SECTIONS 125.012(2) AND 125.012(24) OF THE FLORIDA STATUTES AND AUTHORIZES THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO CONTRACT WITH TLM FOR THE DESIGN AND CONSTRUCTION OF THAT WORK, IN AN AMOUNT NOT TO EXCEED \$2,000,000.00, USING ANY LEGALLY AVAILABLE FUNDS TO MEET THE COUNTY'S OBLIGATION; AND WAIVES THE PROVISIONS OF RESOLUTION NO. R-130-06

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:

Section 1. Adopts the foregoing recital as true and correct and incorporates said recital as if set forth herein.

Section 2. Authorizes the County Mayor or County Mayor's designee to negotiate and execute the Third Amendment to the Terminal Operating Agreement between Terminal Link

8

MDC031

(Miami) LLC (“TLM”) and Miami-Dade County, to accomplish substantially the same objectives as set forth in the accompanying memorandum, all with an estimated fiscal impact to the County of approximately \$35,000,000.00, representing the cost of the improvements to be made to the TLM terminal area and reduced revenues to the County as a result of TLM’s reduced footprint.

Section 3. Adds the “Cargo Gates Modifications and Process Improvement Project,” with an anticipated maximum fiscal impact of \$18,000,000.00, to the list of Capital Improvement Projects to which the “Miami-Dade Seaport Department Capital Improvement Programs Expedite and Acceleration Ordinance,” Section 2-8.2.15 of the Code of Miami-Dade County, Florida, applies.

Section 4. Finds that the cargo yard improvement and demolition/removal project, is a qualifying project under Sections 125.012(2) and 125.012(24) of the Florida Statutes, and authorizes the County Mayor or County Mayor’s designee to enter into a contract with TLM for the design and construction of the cargo yard improvement and demolition/removal project, provided that said contract shall not have a fiscal impact to the County exceeding approximately \$2,000,000. In connection with payment to TLM for this work, the County Mayor or County Mayor’s is authorized to use any legally available funding source to meet the County’s obligation.

Section 5. In connection with the contracts required under Sections 2 through 4 of this resolution, this Board approves the waiver of the provisions of Resolution No. R-130-06 requiring the completion of negotiations and execution by non-County parties before presentation to the Board.

Section 6. Pursuant to County Resolution No. R-791-14, a copy of the proposed third amendment shall be provided by the County Mayor or County Mayor’s designee to the County Property Appraiser within 30 days of the execution thereof.

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:

Audrey M. Edmonson, Chairwoman
Rebeca Sosa, Vice Chairwoman

Esteban L. Bovo, Jr.

Jose "Pepe" Diaz

Eileen Higgins

Joe A. Martinez

Dennis C. Moss

Xavier L. Suarez

Daniella Levine Cava

Sally A. Heyman

Barbara J. Jordan

Jean Monestime

Sen. Javier D. Souto

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of September, 2019. 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.

BB

Miguel A. Gonzalez
Steven B. Bass



MEMORANDUM

(Revised)

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

DATE: July 2, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(J)(3)

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(J)(3)
7-2-24

RESOLUTION NO. R-587-24

RESOLUTION RATIFYING THE ACTION OF THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE PURSUANT TO SECTION 2-8.2.15 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA FOR THE AWARD OF A CONSTRUCTION CONTRACT FOR SOUTH FLORIDA CONTAINER TERMINAL (SFCT) CARGO YARD DENSIFICATION, ELECTRIFIED RUBBER TIRED GANTRY (ERTGS) PHASE 2, PROJECT NO. 2017-034.02-R; CONTRACT NO. 2017-034.02-R TO OEC- PARADISE, JV IN AN AMOUNT NOT TO EXCEED \$63,627,735.00; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

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 ratifies the action of the County Mayor or County Mayor's designee pursuant to section 2-8.2.15 of the Code of Miami-Dade County, to award a construction contract for South Florida Container Terminal (SFCT) Cargo Yard Densification, Electrified Rubber Tired Gantry (eRTGs) Phase 2, Project No. 2017-034.02-R, Contract No. 2017-034.02-R, to OEC-Paradise, JV in an amount not to exceed \$63,627,735.00. This Board further authorizes the County Mayor or County Mayor's designee to exercise all provisions contained in such contract.

The foregoing resolution was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of July, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. MAG

Miguel A. Gonzalez