MEMORANDUM

Amended
Agenda Item No. 11(A)(12)

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

DATE: November 15, 2022

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the County Mayor to (1) accept assignments from sublessee of certain contracts related to the construction of the mental health center located at 2200 N.W. 7th Avenue, Miami, Florida, for architectural, construction and owner's representative services with remaining amounts to be paid estimated to be $75,310.18, $2,537,076.05, and $48,662.50, respectively, to be funded in part using Building Better Communities General Obligation Bond Program funds, and (2) effectuate all modifications needed to such contracts to incorporate the County's standard terms and conditions and to remove any provisions deemed objectionable or undesirable; further authorizing County Mayor to exercise all provisions contained therein

Resolution No. R-1125-22

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

for

Geri Bonzon-Keenan
County Attorney

GBK/smm

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(Revised)

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

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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 __________

Amended
Agenda Item No. 11(A)(12)
11-15-22

RESOLUTION NO. **R-1125-22**

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO (1) ACCEPT ASSIGNMENTS FROM SUBLESSEE OF CERTAIN CONTRACTS RELATED TO THE CONSTRUCTION OF THE MENTAL HEALTH CENTER LOCATED AT 2200 N.W. 7TH AVENUE, MIAMI, FLORIDA, FOR ARCHITECTURAL, CONSTRUCTION AND OWNER'S REPRESENTATIVE SERVICES WITH REMAINING AMOUNTS TO BE PAID ESTIMATED TO BE $75,310.18, $2,537,076.05, AND $48,662.50, RESPECTIVELY, TO BE FUNDED IN PART USING BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS, AND (2) EFFECTUATE ALL MODIFICATIONS NEEDED TO SUCH CONTRACTS TO INCORPORATE THE COUNTY'S STANDARD TERMS AND CONDITIONS AND TO REMOVE ANY PROVISIONS DEEMED OBJECTIONABLE OR UNDESIRABLE; FURTHER AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, in November of 2004, Miami-Dade County voters approved the issuance of $22,100,000.00 in general obligation bonds as part of the Building Better Communities General Obligation Bond ("Bond") Program to fund Bond Program Project No. 193 – "Mental Health Facility" located at 2200 NW 7th Avenue, Miami in order to fund capital improvements to "free up jail space and provide an effective and cost-efficient alternative facility to house the mentally ill as they await a trial date" (the "Project"); and

WHEREAS, on June 3, 2008, the County, pursuant to Resolution No. R-637-08, approved a lease agreement between the State of Florida Trustees for the Internal Improvement Trust Fund, as landlord, and the County, as tenant, for approximately 217,357 square feet of land and approximately 158,450 square feet of building space located at the southwest quadrant of NW 7th

Avenue and NW 22nd Street, or 2200 NW 2nd Avenue, in the City of Miami, Florida (the "Property") for the establishment and operation of a mental health diversion facility and/or correctional facility along with other related uses; and

WHEREAS, since that time, this Board has approved additional funding from the Bond Program and from the Public Health Trust ("PHT") capital funds such that the total allocation for the Project is now $51,100,000.00, inclusive of an additional $9,000,000.00 of Bond Program funds that were approved on August 31, 2020, pursuant to Resolution No. R-830-20; and

WHEREAS, in January 2015, due to the condition of the Property, the County began a project to renovate and/or otherwise improve the seven-story facility on the Property to house a variety of non-custodial treatment and support services to assist individuals with mental illnesses, diverted from the criminal justice system, with adaptive community re-entry; and

WHEREAS, in October 2017, pursuant to Resolution No. R-889-17, this Board approved (1) a sublease agreement with South Florida Behavioral Health Network, Inc., also known by its trademark name of Thriving Mind South Florida ("Thriving Mind") for the Property to allow Thriving Mind to complete the planned improvements utilizing the remaining funds available for the Project, and thereafter operate the Property to serve as a mental health diversion facility (the "sublease agreement"); (2) a grant agreement with Thriving Mind for the Bond Program funds and the PHT capital funds to be used to complete the Project (the "grant agreement"); and (3) the assignment from the County to Thriving Mind of its architectural and design contract with SBLM Architects, PC ("Architect") for the design and architectural work for the Project; and

WHEREAS, the sublease agreement was executed on May 30, 2019, and since that time, Thriving Mind has been working to complete the Project using the Bond Program and PHT capital funds; and

WHEREAS, Thriving Mind entered into a construction contract with Thornton Construction Company, Inc. ("Contractor") to undertake the construction of the Project and with G. Navarrete Consulting, Inc. ("Owner's Representative") to undertake owner's representative services on behalf of Thriving Mind to oversee the design and construction work for the Project; and

WHEREAS, on March 25, 2021, Thriving Mind provided the County with its official notice under the sublease agreement that it was exercising its rights to terminate the sublease agreement for its convenience and that it would be vacating the Property on or about September 25, 2021; and

WHEREAS, thereafter, Thriving Mind agreed to extend the termination date of the sublease agreement and the date upon which it would vacate the Property several times and, on December 27, 2021, wrote to the County to notify the County that the termination of its sublease agreement would not be effective until the date of substantial completion of the Project; and

WHEREAS, currently, it is estimated that the date of substantial completion of the Project will be achieved within the next few months; and

WHEREAS, the Project consists of renovation and build-out of six of the seven floors and approximately 181,324 square feet of building space; and

WHEREAS, upon substantial completion of the Project, Thriving Mind's subleasehold will terminate; however, additional work will remain to be done to achieve final completion and close out of all permits and work, and to pay for all pending invoices; and

WHEREAS, as the tenant responsible for the Property and Project, the County will need to undertake the additional work to achieve final completion of the Project, close out all the permits, and effectuate payment of all pending invoices and additional work needed; and

WHEREAS, therefore, it is in the best interest of the County, and this Board desires, to accept an assignment from Thriving Mind of its contracts with the Architect, the Contractor and the Owner's Representative to the County to allow the County to achieve final completion of the Project following the termination of Thriving Mind's subleasehold, and to have such contracts modified to incorporate the County's standard terms and conditions and remove any provisions deemed objectionable or undesirable by the County Mayor or County Mayor's designee; and

WHEREAS, as of September 15, 2022, the total estimated pending work under the Architect's contract was $75,310.18 with a total contract value of $2,652,826.15; $2,537,076.05 under the Contractor's contract with a total contract value of $37,985,007.07; and $48,662.50 under the Owner's Representative contract with a total contract value of $421,261.46, all which has been and will be funded using the Bond Program and PHT capital funds; and

WHEREAS, the Office of Management and Budget has confirmed that the County has adequate funds remaining from the Bond Program and PHT capital funds to pay for all remaining work under each of the remaining contracts,

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

Section 1. The above recitals are incorporated herein by reference and are approved.

Section 2. This Board authorizes the County Mayor or County Mayor's designee to accept, as promptly as possible, the assignment from Thriving Mind to the County of the contracts with the Architect, the Contractor and the Owner's Representative to allow the County to achieve final completion of the Project following the termination of Thriving Mind's subleasehold and effectuate all modifications needed to such contracts to incorporate the County's standard terms and conditions for such contracts and to remove any provisions deemed objectionable or undesirable. Thriving Mind's current contracts with the Architect, the Contractor and the Owner's Representative are on file with the Internal Services Department and are available for inspection upon request.

Section 3. This Board authorizes the County Mayor or County Mayor's designee to execute all documents and contracts necessary to effectuate the authorization set forth in section 2 herein; provided, however, that absent further Board approval: (a) the total value of the assigned Architect's contract shall not exceed $2,652,826.15; (b) the total value of the assigned Contractor's contract shall not exceed $37,985,007.07; and (c) the total value of the assigned Owner's Representative contract shall not exceed $421,261.46.

Section 4. This Board authorizes the County Mayor or County Mayor's designee to exercise all provisions of the contracts executed pursuant to section 3 herein.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by **Sen. René García** and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman **aye**
Oliver G. Gilbert, III, Vice-Chairman **aye**

Sen. René García	**aye**	Keon Hardemon	**aye**
Sally A. Heyman	**aye**	Danielle Cohen Higgins	**absent**
Eileen Higgins	**aye**	Kionne L. McGhee	**aye**
Jean Monestime	**aye**	Raquel A. Regalado	**aye**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**aye**

The Chairperson thereupon declared this resolution duly passed and adopted this 15th day of November, 2022. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

COUNTY COMMISSIONERS MIAMI-DADE COUNTY FLORIDA

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

HARVEY RUVIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MRP

Monica Rizo Perez