

# Memorandum



**Date:** June 15, 2018

Agenda Item No. 14(B)1

**To:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

June 19, 2018

**From:** Carlos A. Gimenez  
Mayor

**Subject:** Preliminary Courthouse Project Timeline in Response to the Selection of a Hybrid P3 Procurement Process – Resolution No. R-553-18

On June 5, 2018, the Board of County Commissioners (Board) approved Resolution No. R-553-18, sponsored by Commissioner Sally A. Heyman, which directed the Administration to take a number of actions related to the Civil and Probate Courthouse Project (Courthouse Project). The resolution included directives for the Administration to 1) cancel the existing P3 solicitation for the Courthouse Project, 2) issue a new hybrid P3 procurement process, and 3) provide a project timeline under the new process for Board consideration at the June 19, 2018 meeting.

The County's project team, which includes BMO Capital Markets Corp. (BMO), Perez & Perez Architects Planners, Inc. (Perez & Perez) and the County Attorney's Office, reviewed the Board's hybrid P3 procurement process and developed the attached preliminary project timeline. The preliminary timeline demonstrates a critical path for activities which must be completed as part of the new procurement process. It should be noted that there does not appear to be sufficient industry precedent for the use of this process in other successful P3 projects across the country and therefore the actual timing of these events may deviate as County staff, the County Attorney's Office, and its advisors fully design, develop, and implement this new process. The below table includes a summary of critical events described in the attached timeline.

Preliminary Hybrid P3 Procurement Process Timeline	
Activity	Date
Release Draft RFP – Phase 1 for Industry Review	July 2018
Release Final RFP – Phase 1	August 2018
RFP - Phase 1 Response Period	August 2018 – September 2018
Development of RFP – Phase 2 (including technical design and performance specifications by Perez & Perez)	April 2018 – December 2018
Release Draft RFP – Phase 2 Solicitation	December 2018
Public Meeting/Comment Period Negotiating with Shortlisted Proposers	December 2018 – April 2019
Release Final RFP – Phase 2	April 2019
RFP – Phase 2 Evaluation	August 2019 – September 2019
Finalize Designs and Guaranteed Maximum Price with Recommended Proposer	September 2019 – February 2020
BCC Approval of Comprehensive Agreement	April 2020
Construction Start	July 2020

The most critical event in the advancement of the hybrid P3 procurement process is the completion of the design criteria package, operations and maintenance performance standards, and the availability payment schedules that will allow the County to deduct from its availability payments when specified non-performance events occur. This work will be developed by Perez & Perez in collaboration with the County's project team and must be thoroughly vetted by stakeholders to ensure that the County is adequately protected during the 30-year operations and maintenance period.

In an effort to continue expediting the timeline for the Courthouse Project, the Administration submitted an amendment to Perez & Perez's contract during the March 2018 Committee Cycle. However, the approval of the item was delayed after the three-day rule was invoked at the March Public Safety and Health Committee and the item was deferred by the Committee in April. The Board ultimately approved the contract amendment on June 5, 2018. While an initial work order was issued in April 2018 to allow Perez & Perez to begin preparing the necessary solicitation documents, a substantial amount of work is outstanding and must be completed prior to issuance of Phase 2 of the RFP. In accordance with the Board's direction, the County has directed Perez & Perez to prioritize the Courthouse Project in an effort to expedite the completion of the project.

In order to meet this project timeline, a contract amendment for BMO will be submitted as a bid waiver for Board consideration in the July Committee Cycle. This contract amendment will allow the County to engage BMO as its Financial and P3 Advisor for the remainder of the Courthouse Project. The delayed approval of this contract amendment will impact the project timeline and will result in delays to the estimated project schedule.

As reported to the Board on May 22, 2018, any P3 procurement process is expected to take approximately two years to complete. The County, in collaboration with its advisors, is currently evaluating various opportunities to reduce the time necessary to complete the Courthouse Project, such as time savings that may be achieved through a reduction in required submission materials. Process time savings may also naturally occur if the proposal evaluation periods and individual meetings with short-listed proposers conclude quicker than expected.

Should you have any questions or require additional information, please do not hesitate to contact Tara C. Smith, Internal Services Department Director, at 305-375-5893.

#### Attachment

- c: Honorable Bertila Soto, Chief Judge, Eleventh Judicial Circuit
- Harvey Ruvín, Clerk of the Courts
- Abigail Price-Williams, County Attorney
- Gerí Bonzon-Keenan, First Assistant County Attorney
- Hugo Benítez, Assistant County Attorney
- Oren Rosenthal, Assistant County Attorney
- Office of the Mayor Senior Staff
- Tara C. Smith, Director, Internal Services Department

Action	Q2 2018			Q3 2018			Q4 2018			Q1 2019			Q2 2019			Q3 2019			Q4 2019			Q1 2020			Q2 2020			Responsible Party	
	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun		
a. Drafting and Issuance of RFP Phase I																												County / BMO	
b. Preparation/Submission of RFP Phase I Responses																													Potential Proposers
c. Evaluation of RFP Phase I Responses and Shortlisting																													County / Competitive Selection Committee
d. Develop RFP Phase II with Technical Specifications and Draft Agreement																													County / BMO / Perez & Perez
e. Final Site Selection																													Board of County Commissioners
f. Written Q&A and/or Public Meetings Draft RFP Phase II																													County with Short-listed Proposers
g. Issuance of Final RFP Phase II																													County
h. Preparation/Submission of RFP Phase II Responses																													Short-listed Proposers
i. Evaluation of RFP Phase II Responses/ Selection of Preferred Proposer																													County / Competitive Selection Committee
j. Finalize Design and Guaranteed Maximum Price																													County / Preferred Proposer
k. Pref. Proposer Documentation (PA, Drop-Downs, Lender Term Sheets)																													Preferred Proposer
l. Project Agreement Approval																													Board of County Commissioners
m. Commercial Close																													Awarded Proposer / County
n. Financial Documentation and Marketing																													Awarded Proposer
o. Financial Close																													Awarded Proposer / Lenders
p. Construction Start																													Awarded Proposer