

ISSUING DEPARTMENT INPUT DOCUMENT

CONTRACT/PROJECT MEASURE ANALYSIS AND RECOMMENDATION

New
 OTR
 Sole Source
 Bid Waiver
 Emergency
 Previous Contract/Project No. N/A

Contract
 Re-Bid
 Other – Access of Other Entity Contract
 LIVING WAGE APPLIES: YES NO

Requisition No./Project No.: RFP-01664
 TERM OF CONTRACT 75 YEAR(S) WITH YEAR(S) OTR

Requisition /Project Title: **Little River Mixed-Use Development Project**

Description: Miami-Dade County, hereinafter referred to as the County, as represented by County Internal Services Department, Strategic Procurement Division on behalf of the Miami-Dade County Public Housing and Community Development (PHCD) Department and the Miami-Dade Public Library System (Library), Proposals from experienced developers with a proven track record of successfully completing Mixed-Use Development projects for the development of a County-owned vacant parcel (Folio No. 01-3112-014-0010) of approximately 37,554 square feet, located at 110 NE 79 Street, Miami, Florida 33138, hereinafter described as the "Project Site". Selected Proposer will be responsible for the cost of this development and share revenue with County.

Issuing Department: ISD
 Contact Person: Manuel Jimenez
 Phone: 305-375-4425

Estimate Cost: Over \$40 MM (Rev Generng)

Funding Source:

GENERAL FEDERAL OTHER

ANALYSIS

<u>Commodity Codes:</u>	90903	90930		
Contract/Project History of previous purchases three (3) years Check here <input checked="" type="checkbox"/> if this is a new contract/purchase with no previous history.				
	<u>EXISTING</u>	<u>2ND YEAR</u>	<u>3RD YEAR</u>	
Contractor:				
Small Business Enterprise:				
Contract Value:				
Comments:				
Continued on another page (s): <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				

RECOMMENDATIONS

	Set-Aside	Subcontractor Goal	Bid Preference	Selection Factor
SBE				
Basis of Recommendation: 				
Signed: Manuel A. Jimenez	Date sent to SBD: 08/01/2020			
	Date returned to SPD: 			

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Little River Mixed-Use Development Project

1. Introduction/Background

Miami-Dade County, hereinafter referred to as the County, as represented by the Miami-Dade County Internal Services Department, Strategic Procurement Division on behalf of the Miami-Dade County Public Housing and Community Development (PHCD) Department and the Miami-Dade Public Library System (Library), is soliciting Proposals from experienced developers with a proven track record of successfully completing Mixed-Use Development projects, including the capacity necessary for obtaining funding, constructing, overseeing, maintaining, operating and completing multi-family affordable and/or workforce rental housing development. Proposers shall demonstrate their capabilities, expertise, and resources to pursue and obtain financing and successfully perform the Scope of Services for the Project Site and perform all other services required for the redevelopment of the Project in its entirety as indicated in this RFP.

The County's goals for this Project include: i) maximizing the availability of quality affordable and/or workforce housing opportunities for residents of the County, ii) creating great library facilities for utilization by the public, and iii) maximizing the utilization of County-owned property for purposes that benefit the surrounding community and the public at-large. This Solicitation is for a mixed-use development of a County-owned vacant parcel (Folio No. 01-3112-014-0010) of approximately 37,554 square feet, located at 110 NE 79 Street, Miami, Florida 33138, hereinafter described as the "Project Site" (See Attachment 1, Project Site, for full legal description and location). The mixed-use development of the Project Site shall include the construction of: i) approximately 125 or more quality affordable and/or workforce rental housing units depending on final zoning; ii) a ground-level, set-aside space of no less than 13,000 square feet to be utilized by the County, at no charge, for a new Little River branch library facility; iii) a set-aside space of approximately 10,000 square feet to potentially be used by the County, at no charge, for a museum facility for the Haitian Heritage Museum that will benefit the residents of the County; and iv) appurtenant parking structure for the housing units and the set-aside spaces for the County, including approximately 39 parking spaces for Library and Museum staff and visitors. The mixed-use development shall also have appropriate separation of uses, providing clear access and entrances/exits for the housing units, the library and museum, additional ground level retail and/or concessions space. Based on current zoning, it is believed that the Project Site can be developed to include up to eight (8) floors, inclusive of the ground floor library, parking structure and housing.

The County has determined that the land comprising the Project Site is currently underutilized. If both timely and properly redeveloped, the Project Site can better serve the surrounding community, and provide a profitable income stream to the County, which can be used to expand programs to County residents. The Library is the owner of a vacant lot of approximately 0.86 +/- acres of land located at 110 NE 79 Street, Miami, Florida 33138, that was originally purchased to construct a stand-alone replacement branch to replace the existing Little River Library which is located within a leased space at 160 NE 79th Street. The Library and PHCD have agreed to partner in maximizing the use of the Project Site to include not only a ground-floor 13,000 square foot library, but also possible commercial and/or retail spaces, parking sufficient for building tenants and visitors, and 39 designated parking spaces for library users and staff, appropriate separation of uses, providing clear access and entrances/exits for the housing units and the library, multiple levels of residential use to include 125 or more quality affordable and/or workforce housing rental units depending on final zoning and a space to potentially be leased for use by the Haitian Heritage Museum.

The County seeks to match qualified developers who have successful experience in obtaining project financing and can aggressively pursue all available funding sources, which may include the Florida Housing Finance Corporation (FHFC) funding, including, but not limited to, Low Income Housing Tax Credits (LIHTC), New Market Tax Credits and State Apartment Incentive Loan (SAIL). This may also include other funding sources such as: Federal Home Loan Bank funds (Affordable Housing Program (AHP) and Community Investment Program (CIP)), New Market Tax credits, EB-5 program, State Housing Initiatives Partnership (SHIP), HOME Investment Partnerships (HOME), documentary stamp surtax program (Surtax), or any other funding sources which may be available from other governmental entities, private foundation, corporation, etc. The Little River Branch Library site is located within an approved federally

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designated Qualified Opportunity Zone census tract State of Florida for Opportunity Zone Funding via the Tax Cuts and Jobs Act. The county seeks qualified developers to propose a project that is financially viable, meets stated objectives and requirements of this RFP, in addition to minimizing funding sources (Surtax, etc.) from the County.

The County will retain ownership of the land and may participate in business arrangements with the company that owns the improvements, which may include management or co-management of the project with the County. The County expects to share in any revenue generated by new development. This may include, but is not limited to, ground lease payments, net revenues, share of developer fees, and other sources as may be provided by developers in their Proposals

Subject to approval by the Miami-Dade Board of County Commissioners, the County anticipates entering into developer agreements that contemplate the execution of additional County required documents which comply with all applicable federal, state and local requirements. These documents include but are not limited to a short-term property ground lease agreement of up to eleven (11) months to provide the Selected Proposer with site control of the Project Site in order to apply for funding; a master development agreement for the development of the Project Site; a long-term property ground-lease for a period of up to 75 years with the Selected Proposer subject to successfully obtaining the financing to make the Project financially viable. The terms of any agreement, will be negotiated with the Selected Proposer based on the proposed Total Development Costs, at the County's sole discretion.

2. Project Requirements

The Purpose of this Solicitation is to maximize and expedite the development potential of the Project Site for the benefit to the residents of the County, while providing a financial return to the County. The Selected Proposer shall coordinate and comply with PHCD for the housing component of this project and with the Library for the library and museum set-aside space component of this Project. For any project envisioned for the Project Site, the Selected Proposer shall develop the Project Site in compliance with the following Project Requirements:

A. Development Team.

The Selected Proposer shall have a Development Team that meets and maintains all applicable licensing requirements and registration in the State of Florida, required for all phases of Project; including design, development and operation of the Project Site.

B. Affordable and/or Workforce Rental Housing Units.

In addition to any proposed market-rate housing units, the Project shall provide an increased supply of approximately 125 or more quality affordable and/or workforce housing units depending on final zoning. For the development of the affordable and/or workforce housing units, the Selected Proposer shall comply with the following requirements for this Project:

- 1) The Residential units shall be located within a multi-story, mixed-used development, and shall include approximately 125 or more affordable/and or workforce housing rental units, depending on final zoning. Parking structure shall be located on separate floors above the new library and will contain separate entrances and elevators to segregate access from the library and museum.
- 2) The Selected Proposer shall have knowledge and experience with the zoning process and approvals shall be required for proper construction of the proposed residential units.
- 3) Selected Proposer shall provide an emergency generator that will power code-required emergency items in the building, in addition to providing power for ninety-six (96) hours of operation without refueling, at a community room and a community area kitchen, within the Project Site. Additional points will be given, under

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the Proposer's approach evaluation, for providing emergency power to all phases that include the Residential units within the Project Site.

- 4) Selected Proposer shall provide written natural disaster plan for the Project to be approved by the County Mayor or the County Mayor's designee, that addresses activities required before, during, and after a natural disaster. Such natural disaster plan shall be updated annually, be made available to the residents and first responders, and include at a minimum the following information:
- a) An evacuation plan for all residents of the housing development; and
 - b) A contingency plan in the event the generators required herein are not operational before or after a natural disaster; and
 - c) Steps to be taken in order to identify all residents who evacuate from or choose to remain in the housing development before and after a natural disaster; and
 - d) A refueling plan for generators; and
 - e) A communication plan between the developer, borrower or grantee and their personnel before, during and after a natural disaster; and
 - f) Any other requirements that the County Mayor or the County Mayor's designee, at their sole discretion, determines to be necessary for inclusion in the natural disaster plan, including:
 - i. A kitchen on the first, second or third floor of a building that can be used to cook food for the residents after a natural disaster; and
 - ii. A community room on the first, second or third floor of the Project that has air conditioning where residents can go during and after a natural disaster; and
 - iii. A kitchen and/or community room on the first, second or third floor of the development that has water supplied by a pump connected to a generator during and after a natural disaster; and
 - iv. A minimum of one (1) generator to operate the lights, air conditioner and other appliances in a community room and kitchen after a natural disaster and throughout the duration of a power outage. Such generators shall be maintained in good working order and shall be inspected before and after a natural disaster; and
 - v. A minimum of one trained personnel on-site at the housing development during and after a natural disaster. This person must receive disaster training based on Medicaid guidelines. Such training must be provided, at no cost to the County, by a County department designated by the County Mayor or County Mayor's designee. Any cost associated with such training shall be borne solely by the Selected Proposer; and
 - vi. A minimum of one (1) trained personnel or volunteer, which may include a resident, on-site at the public housing development at the Project Site, to provide assistance after a natural disaster; and
 - vii. Working contact telephone numbers, including at least one (1) land telephone line and one (1) cellular telephone, which telephone numbers shall be available to each resident and which shall be made available to such residents before, during, and after a natural disaster. Such telephone numbers shall be posted in common areas, including but not limited to, community rooms and management offices; and

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- viii. A list of community agencies furnished by the County that can provide services before and after a natural disaster, which shall be prominently posted in administrative offices and the common areas.
- 5) The Selected Proposer shall work cooperatively with PHCD, and other stakeholders including the City of Miami (including City Manager, Planning and Zoning, etc.), Miami-Dade County Public Library System, City of Miami Police Department, social services agencies, community groups, private foundations and companies, etc.
- 6) The Selected Proposer shall incorporate in its proposed development, items as indicated below for community features/common areas and unit amenities.

Community Features / Common Areas	Residential Unit Amenities
Security system/cameras	Washers and dryers in each unit
Impact windows and doors*	Integrated HVAC/ Central A/C
Designated resident guest parking	Tile flooring
Assigned resident parking	Impact windows and doors*
Assigned parking for Library staff and patrons	Modern kitchen cabinets
Exterior Lighting	Granite countertops or comparable
Elevators*	Energy-efficient appliances
Gated parking lot with key fob entry or card entry	Window treatment/coverings for each window
Computer lab/print lab	Double-bowl kitchen sinks
Clubhouse/Community Center	Electric water heater
Bike path/bike parking	Accessibility-Compliance
Gym/Exercise room	
Generators – include generator power for the requisite community room(s) and community area kitchen(s) (include hook-up for library facility)	
Key Fob entry or Card entry for residential area	
Gated parking lot with key fob entry or card entry	
Fountains/water features (to be recommended and provided under Art in Public Places, if possible)	
Location for exterior library book drop	
Park Area within Project Site	
Accessibility-Compliance	
Retail/other beneficial uses (as proposed by Proposer)	

*As per applicable Codes

- 7) The Selected Proposer shall also provide the following miscellaneous services at the Project Site:
 - a) Adequate maintenance staff for regular and timely maintenance.
 - b) Pest Control.
 - c) Coordinate with County, City and other applicable agencies to provide traffic related improvements (e.g., traffic lights, buses, etc.).

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- d) Assist and coordinate with police, residents, PHCD, other applicable agencies to provide a Neighborhood Crime Watch.
 - e) Cooperate with PHCD, and other stakeholders including the City of Miami.
- 8) The Selected Proposer shall also hold a series of meetings in consultation with and at the direction of PHCD and the Library, to review all aspects of their development and to obtain their input. Issues to be discussed shall include: project schedule, design (including unit interior, exterior, air conditioning and other building systems, materials, accessible units, common areas, Project Site and parking, security systems, landscaping, amenities and features, construction, phasing, resident transfer to temporary and/or new units and expenses (to be paid by the Selected Proposer), services to be maintained during construction, property management, resident leases, job training and opportunities, services, programs, and any other pertinent issues.
- 9) For the residential portion of the work, Proposers shall make their own evaluation and determination of proposed number of overall units for Affordable Housing units, Workforce housing and market rate units, and other uses to achieve the required mixed-income approach.
- 10) Proposers shall provide all other services as may be required to implement the development project in its entirety.

C. Library Set-Aside Space

The Selected Proposer shall provide a set-aside space for the Library on the first floor of no less than 13,000 square feet and constructed as a turnkey facility. The Selected Proposer shall coordinate and comply with the requirements of the Library for the Library set-aside space, listed below within Section 2.2, C (Library Set-Aside Space). For any proposed Project, the Selected Proposer shall also provide: (i) the Library Parking, at an estimated minimum of 39 designated parking spaces, as part of the overall development, to be utilized at no cost to library patrons and staff; (ii) a separate library entrance located facing NE 79 Street to maximize visibility and access for the public; (iii) separate delivery access sufficient to accommodate library delivery vehicles; (iv) a Library space consistent with the requirements of federal, state and local law, including but not limited to the requirements contained in the Florida Building Code and Americans with Disabilities Act; and (v) Interior build-out to include the following:

- Fully partition and paint interior of the Library Space;
- Furnish and install all interior doors and interior finishes (e.g., terrazo and paint);
- Furnish and install a finished ceiling, including all overhead lighting fixtures;
- Furnish and install an independent, fully functional HVAC system for the Library space;
- Furnish and install all safety devices required by the Florida Building Code or other applicable laws, rules, or regulations, including but not limited to: all fire alarms, sprinkler systems, fire extinguishers, and exit signs;
- Furnish and install wiring and equipment needed by the Library Space for electric, data communication and connectivity to the Library's Wide Area Network, telephone, security cameras and cable service; (see Attachment 2, Technical Specification for Structured Cabling Standards for the Set-aside Spaces, for Information Technology Department Low Voltage Data Guidance and Specifications);
- Furnish and install separate electric and water use meters for the Library Space;
- Furnish and install FF & E (including non-fixed furnishings and av/computer/IT related equipment) to the County's requirements, absent only books and related library materials.

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1) Library's Overview and Project Guidance.

The Library provides this information for Proposers to follow and include as part of their project approach in the design and construction of the library space being contemplated as part of this Solicitation. Selected Proposer shall comply with the Library's Guidance, and work closely with the Library for the library set-aside space throughout the design and construction process to ensure that the resulting product is a library that establishes new benchmarks in 21st century innovative library design, architecture, and use of space and technology. The design vision shall focus on today's library user and the library user of the future, including flexible use of spaces, a focus on comfort and privacy, and availability of interactive and immersive technology, all while allowing the library to continue to serve its role as a community space that is flexible and can accommodate a wide range of programs and events, activities, and public meetings for people and organizations across a broad demographic of ages, backgrounds, and interests. The Library's mission of promoting literacy and learning requires that library locations are an open and accessible community destination that instill civic pride and showcase the Library's role as a leader in both library design and civic innovation.

In the design and planning of a new library location, it is important not only to consider the demographics and needs of the immediate surrounding community, but also to recognize that Miami-Dade Public Library locations are part of a large network of libraries throughout Miami-Dade County, all of which demand a level of consistency and excellence in service levels to ensure access for residents from throughout the County.

2) Library's Guiding Principles.

Key items to be followed in the planning, design and programming of the library space shall include:

- A library space that is highly visible to the public and accessible within and outside the proposed development
- Welcoming spaces
- Flexible layout that allows for a wide range of uses
- Access to cutting-edge programming, services and technology
- Inviting, natural light-filled open spaces that are functional and safe
- High performance, multi-functional, and energy efficient design
- Gathering spaces that are comfortable, aesthetically pleasing, and that attract community members of all ages
- Intuitive and inviting circulation centers and wayfinding paths
- Connections to outdoor, adjacent spaces, and/or garden seating spaces that enhance foot traffic to the library.
- Common areas with sufficient free access to parking for library patrons and staff

3) Library's Facility Planning Guidance

A branch of the Miami-Dade Public Library System is expected to embrace outstanding architecture/design and exists as a public amenity where residents can find a sense of belonging and community. While the design process will ultimately drive the most logical and preferred layout for any library branch, the Selected Proposer shall provide the following types of space uses within the proposed Library space:

- Collection space (for display and browsing of library materials)

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- Digital Technology/Innovation Lab (multi-media center, hands-on technology training)
- Public co-working space
- Young Adults & Children's browsing and activities area with separate bathrooms from adult areas
- Public computer workstations
- Lounge, study, and reading areas
- Customer service point(s)
- Staff work areas as well as public and staff bathrooms
- Meeting space (multi-purpose room and/or meeting/study rooms)
- Special use spaces/adjacencies (outdoor reading area, and courtyard)
- Non-assignable space (including mechanical space, data closet, etc.)

4) Library's Design.

The Library design should focus on creating a destination that encourages creativity, literacy, digital learning and technology, and recreation.

- In a multi-use facility such as is being proposed, a public library will be a significant source of foot traffic and its success as a library location will rely heavily on being located on the ground floor level in a highly visible and high traffic area that facilitates easy access for the public.
- The architecture should be inviting and informal, being able to connect with the general public in whole. The library space should be fluid and dynamic spatially, and respond to the natural setting of its environment.
- The library should include its own large meeting room that allows for the many library programs, community events, and activities that are enjoyed by the public and occur as and when needed.
- The Young Adult's and Children's areas should occupy prominent locations in the space that allow for easy access as well as some degree of separation from adult areas for safety and for some level of semi-privacy for young adults' and children's activities.
- The floor plan should be fluid, with abundant natural light serving reading rooms and any adjacent areas or connections to the exterior project. Visitors should have easy visual connection to major spaces (Meeting Room/Children's Lounge/Main Reading Room/Innovation Center) from the entrance and to the main service point(s). The service point(s) should be carefully located as part of facility wayfinding and ingress/egress considerations to ensure library staff is able to serve the public effectively and to perform daily tasks.
- The Multi-Purpose Community Meeting Room, if space allows, should be strategically placed to activate the use of both interior and exterior spaces, recognizing the synergies created between these spaces, use of the library, and the desire for any exterior areas to serve as a central gathering spot for library users and non-users during and after hours of operation.
- The following Library activity needs, room spaces and programmatic functions are suggested as a point of discussion for a 13,000 square foot (SF) library and should be used in the planning, design and layout of the facility:
 - i. Entrance Lobby/Guest Services – 500 SF
 - ii. Multipurpose Community Meeting Room and Private Conf. Rooms – 2,500 SF

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- iii. Young Adult's & Children's Room – 2,000 SF
 - iv. Main Reading Room/Library Collections – 4,000 SF
 - v. Digital Media/Technology & Innovation Lab – 2,000 SF
 - vi. Staff Office/Lounge Area/Mechanical/Data/Janitorial – 2,000 SF
- Total = 13,000 SF**

Refer to Exhibit "A" for detailed description of spaces as required by the Library.

D. Museum Set-aside Space.

In addition to the 13,000 square feet for a library facility, the Selected Proposer shall also provide, at no charge, another set-aside space of approximately 10,000 square feet (Museum Set-aside Space) to potentially be leased for use by the Haitian Heritage Museum, or any future use designated by the County that will benefit the residents of the County. The Museum Set-aside Space must be contiguous, and to the extent there may be unique buildout requirements, such requirements may be negotiated during the development and lease agreement negotiation phase of the process. The Museum Set-aside Space shall be in turn-key condition (ready for immediate use, including any and all flooring, furniture, fixtures, and equipment); meeting the exact specifications of the County. As part of the negotiations for the Lease Agreement, the County will provide details regarding the level of finishes and the requirements for the furniture, fixtures, and equipment.

3. Project Site

Selected Proposer(s) shall provide nursing, clerical, respiratory therapy, and other licensed medical and non-medical. The Project Site being offered pursuant to this Solicitation is comprised of a vacant parcel of land approximately 37,554 SF (0.86+/-) acres located on 110 NE 79th Street, Miami Florida 33138. Prior to submitting Proposals, Proposers shall become familiar with the Project Site, including site visit (See Attachment 1, Project Site for the overview of the property location, and legal description); and conduct additional investigations and due diligence to ascertain site conditions, availability and location of utilities and connections, flood criteria/finished floor elevation requirements, zoning, and all other sites and/or project-related requirements, to ensure that the proposed Project can be built on the Project Site within costs and schedule indicated in the Proposer's Proposal. The folio number comprising the Project Site is as follows:

110 NE 79 Street, Miami, Florida 33138 – Folio No. : 01-3112-014-0010 (Lot Size 37,554, square feet)

4. Mixed-Use Development

The Project Site must be developed as a Mixed-Use Development project (meaning, for example, a single building, that blends a combination of multi-family affordable rental housing, library, museum, and retail and/or concession space use, or any other use permitted by the zoning for the Project Site, with an area which must house approximately 125 or more affordable and/or workforce housing units, a ground level library facility of no less than 13,000 square feet, appurtenant parking structure with adequate parking for tenants and visitors, and designated parking of 39 spaces for library users and staff, providing clear access and entrances/exits for the housing units and the library, ground level retail and/or concessions space, and potentially a community space to be occupied by the Haitian Heritage Museum in a building for use by the County, as previously described in this Solicitation, Section 2.2, Project Requirements.

Notably, any proposed Mixed-Use Development project must offer a combination of uses, such as residential, library, retail and/or concession space, parking structure, clear access and entrances/exist and a community space to potentially be occupied as a Museum in a building for use by the County, or any other reasonable use, as determined acceptable by the County, and as permitted by the zoning for the property.

5. Selected Proposer's Key Tasks

The Selected Proposer shall perform the following key tasks:

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- a) Obtain funding for the Project, for all phases of the development and operation, from any of the available funding sources as indicated herein and as otherwise determined by the developer.
- b) Plan, design, expedite and obtain all permitting approvals, develop and construct, maintain, and operate the proposed Project Site consistent with stated goals and requirements of the solicitation and agreement(s) pursuant to all applicable Federal, State, and Local requirements.
- c) Manage and operate the residential phase of the Project Site to promote community safety for all the residents; cooperating with PHCD and providing adequate staff for maintenance and operation. This includes providing adequate security at the Project Site; clearing and grading the site, etc.

6. Deliverables

Selected Proposer shall provide on a timely manner all applicable plans, reports, information, documents, or any resource required for the development and operation of the Project Site and/or as required by PHCD and the Library.

7. Design and Development Guidelines

The Project must conform to the design guidelines outlined by the Florida Building Code, the City of Miami Planning Department, the City of Miami Zoning Code (Miami 21), the requirements imposed by this Solicitation, along with any negotiated Lease Agreement between the County and the Selected Proposer. It should be noted that required sustainable design elements will include at least the minimum of Leadership in Energy & Environmental Design (LEED) Silver certification for new construction. Additional information regarding sustainable or “green building standards” will be discussed and negotiated with the Selected Proposer during lease negotiations.

The Project must be visually appealing and welcoming to the entire community. It cannot be offensive or provide elements that can be determined to be obscene, annoying, degrading, distasteful, hideous, unpleasant, or hateful. The architectural design features must be a priority and include, but are not limited to, the following: 1) pedestrian safety, with sufficient lighting and open space; 2) clear and distinct entrances and egress; 3) residential units, if any, must be sensitive to the traffic on Northwest 29th Street; and 4) modern architectural creativity that enhances the neighborhood.

In addition, the County reserves the right to modify the design elements any of the Proposals submitted in response to this Solicitation. Such modifications can be to the façade, shape, and/or the interior space of any building included in the Mixed-Use Development Project.

8. Art in Public Places

This Project is subject to the Art in Public Places (“APP”) provisions in section 2.11.15 of the Miami-Dade County Code and Administrative Order 3-11, as managed by the Miami-Dade County Department of Cultural Affairs (“Department of Cultural Affairs”) pursuant to Procedure 358 in the Miami-Dade County Procedures Manual (“Procedures Manual”). The Selected Proposer shall transmit one and half percent (1.5%) of the Project costs for all development on County land (as outlined in the Procedures Manual) to the Department of Cultural Affairs for the implementation of the APP program. The Selected Proposer is required to work collaboratively with the Department of Cultural Affairs on the implementation of the APP program pursuant to the requirements of said program. The referenced documents can be accessed at:

[Miami-Dade County Code Section 2.11.15, Works of Art in Public Places](#)

[Miami-Dade County Administrative Order 3-11, Art in Public Places Program](#)

[Miami-Dade County APP Procedures Manual](#)

9. Sustainable Buildings Program

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The Selected Proposer shall cooperate and require its contractors and consultants to cooperate with the County's Sustainability Manager in order to incorporate green building practices into the planning and design of the Capital Improvements pursuant to County Ordinance No. 07-65 concerning the County's Sustainable Buildings Program. The Selected Proposer shall, in each of its contracts and subcontracts, include a provision that the contractor, subcontractor and/or sub-consultant shall comply with all requirements of the County's Sustainable Building Program. The terms for compliance with the County's Sustainable Buildings Program will be negotiated at the time of the award of the contract.

10. Assessment of Project Site

Prior to submitting its proposals, Proposers shall become familiar with the project site and conduct additional investigations and due diligence to ascertain site conditions, availability and location of utilities and connections, flood criteria/finished floor elevation requirements, zoning, and all other site and/or project-related requirements, to ensure that the proposed project can be built on the site within costs and schedule indicated in the Proposer's proposal.

11. Proposer's Certification

By submitting its proposal, Proposer certifies that the information contained in its proposal has been carefully reviewed, is accurate and that the proposed development can be completed in its entirety, (including schedule and budget) in accordance with the proposal submitted to the County.

12. Environmental

The County shall be responsible for obtaining Environmental Clearances for the property under this RFP pursuant to 24 CFR Part 50 or Part 58, as applicable see corresponding Project Site Attachments, Environmental Reports, and DERM Memorandum, (when available). The Selected Proposer will be responsible to perform its due diligence environmental site analysis and obtain the Environmental Site Assessment (ESA) reports for sites where reports are not available through this RFP, and pay for all, or any further environmental assessments/testing, and source removal, as required by Miami-Dade County Regulatory and Economic Resources (RER) / Department of Environmental Management (DERM) Proposer is responsible to submit all ESA reports it conducts for DERM review and DERM recommendations.

13. Land Ownership, Land Use and Property Management

The County will retain ownership of the land and may participate in business arrangements with the company that owns the improvements which will include co-property management of the Project Site. The Project Site will be leased to the Selected Proposer under a long-term property ground-lease agreement for a period of up to 75 years with the Selected Proposer subject to successfully obtaining the financing to make the Project financially viable. The terms of any agreement will be negotiated with the Selected Proposer based on the proposed Total Development Costs, at the County's sole discretion.

14. Payments to the County

The Selected Proposer shall pay to the County for the use of the Project Site, revenue and income streams under, as noted below and indicated in Form 1 including but not limited to:

1) Ground Lease payments

The Ground Lease payments shall be payable for the period between entering into the lease agreement with the County, after the approval by the Board of County Commissioners, and the end of the resulting ground lease agreement. The first payment shall be due at the Financial Closing date.

2) Share of Revenues/Net Cash Flow

After stabilization period, about one year after issuance of Certificate of Occupancy, and through the termination date of the ground lease agreement, the Selected Proposer shall pay to the County a share of revenues/net cash flow in accordance with the terms of the resulting agreement.

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3) Percentage of Developer Fees

The Selected Proposer shall pay the County a percentage of developer fees at a minimum of thirty percent (30%) of developer fees. Additional percentage above thirty percent (30%) is at the discretion of the Proposer and should be included in Proposal. Developer fees shall be in accordance with Safe Harbor Standards.

4) Other Payments

The Selected Proposer may pay to the County other revenue and income streams participation as may be proposed by the Selected Proposer.

15. Personnel, Services and Bonding Requirements

In addition to services required for architectural/engineering, financial, legal, property management, transfer/relocation, zoning and any other required services to fully implement the required development, Selected Developer, subject to PHCD, shall procure a general contractor (using a competitive low-bid process or submission of identity of interest waiver when the contractor is affiliated with Proposer) that has the experience, bonding and insurance capacity to build the proposed project. Bonds and Insurance shall comply with the standards outlined in Attachment 3, Insurance and Bond Requirements.

For projects which involve construction or rehabilitation work, the County requires the Selected Developer to provide the County with a Payment and Performance Bond in the full amount of the construction contract, naming the County as a dual obligee. For projects which involve construction or rehabilitation work on County-owned property, the County shall require, at least ten (10) days' prior to the commencement of any construction work on the property and to the purchase and delivery of any materials, equipment or supplies for construction, a payment and performance bond that meets the requirements set forth in section 255.05, Florida Statutes, which bond shall be in the full amount of the construction costs of all of the improvements to be undertaken on County-owned property and shall cover all contractors, subcontractors, or materials providers downstream from the Selected Developer, including but not limited to the General Contractor. The payment and performance bond shall name the Selected Developer as the principal and the County as a dual obligee. In lieu of applicant providing a Payment and Performance Bond, the County may, at its sole and absolute discretion, accept an alternative form of security permitted pursuant to section 255.05(6), Florida Statutes, in an amount to be determined by the County, in its sole and absolute discretion. However, the County shall in no event be required to accept any alternative to the Payment and Performance Bond.

16. Financing

It is the sole responsibility of the Selected Proposer to apply for and obtain construction and permanent financing from the lender(s), investor(s), or other entities in amounts consistent with the Lease Agreement and to develop and complete the project. At this point in time, Miami-Dade County will not be committing to contributing any funding toward the Mixed-Use Development on the Project Site. The Selected Proposer may use different and/or a combination of lenders or investors for construction and/or permanent financing. Each Proposer will be required to submit a term sheet and a letter of intent (or a commitment letter) from lender(s) or investor(s) indicating a willingness to finance amounts necessary for financing of the Project. Should the Selected Proposer fail, for any reason, to secure such term sheet(s) and letter(s) of intent (or a commitment letter(s)) from financing entities, the County shall be free to terminate any agreement that it may have with the Selected Proposer regarding development of the Project Site.

Selected Proposer may use subsidy sources from the County or other entities should they become available in the future. Selected Proposer must comply with all terms of any subsidy programs that are utilized. However, absent the receipt of a subsidy from the County or other entities, depending upon the type and amount of such subsidy, the Selected Proposer shall be required to complete the proposed development Project in a timely manner.

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17. Real Property Taxes and Charges

As County-owned property, the Project Site is currently not subject to real estate taxes, except to the extent the Site consists of privately owned real property. However, such tax exemption may not be available during or after completion of any development project by the Selected Developer. It is the responsibility of the Selected Developer, in conjunction with its legal counsel, to determine any and all tax consequences which may arise due to the Selected Developer developing the project on County-owned land. The County makes no representations or warranties as to the continued availability of any exemption or tax benefit, or to the Selected Developer's ability to receive any such exemption or benefit.

18. Schedule

The Project construction phase shall be completed, as evidenced by an issued Certificate of Use and/or Certificate of Occupancy, as applicable. An exact schedule of completion, including milestones and any possible penalties for failure to adhere to the schedule shall be the subject of negotiation during the process of formulating a Lease Agreement with the Selected Proposer. As part of any Proposal, it is recommended that Proposers include a timeline of when various aspects of the Project will be completed. Such timeline should include completion dates for design, construction documents (plans and specifications), permitting, ground breaking, and securing a Certificate of Use and/or Certificate of Occupancy. Proposers should discuss any expected variances in the timeline, and must disclose of any issues, or potential matters, that might delay the Proposer from commencing with the Project as envisioned, or otherwise delay the Project, such as, but not limited to, other development projects undertaken by the Proposer.

19. Services Applicable to All Phases of Work to be Provided

The Selected Proposer shall:

- 1) Provide the County with a financing plan, including detailed development and operating budgets.
- 2) Provide quarterly reports to the County on the progress of the Scope of Services and development efforts, including work completed, associated costs, schedule, and budgetary requirements.
- 3) Secure additional financing, as needed, to ensure overall Project completion, such as loans or grants from other governmental entities at the state or federal level.
- 4) Obtain a full financial credit underwriting/subsidy layering review to be paid for by the Selected Proposer prior to loan closing (loan closing will not occur without this step), when and if there are loans arranged for the Project.
- 5) Provide the design, construction, and quality control services for the development.
- 6) Execute and deliver to the County copies of certificates and policies of insurance prior to commencing any operations, which indicate that the Selected Proposer has insurance coverage in the type, amount, and classifications, pursuant to the Lease Agreement, and any other required document or agreement, including, but not limited to a Development Agreement and/or Restricted Covenant Agreement.

20. Development Costs

All development costs for the Project Site shall be the responsibility of the Selected Proposer. The Selected Proposer shall, at its sole cost and expense, secure any and all licenses, permits, and other governmental approvals required to construct and maintain the Project, along with any and all insurance and required payment and performance bond(s). The Selected Proposer shall obtain all necessary permits and pay all required permit fees and shall be responsible for all expenses incurred in connection with the development including, but not limited to, environmental assessments, remediation (if applicable), relocation of the County and its tenants during construction, surveying, platting, application

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fees, etc. All on-site and off-site public improvements and/or infrastructure required for development of the Project Site (including, but not limited to streets, street widening, street lights, sidewalks, water/sewer infrastructure, landscaping, etc.) are the responsibility of the Selected Proposer. Extension, relocation and/or upgrading of utilities, including utilities serving existing County facilities, or connection of new utilities, if necessary, are the sole responsibility of the Selected Proposer. All development fees imposed in connection with the development by any municipality, the County or any other agency of appropriate jurisdiction are the sole responsibility of the Selected Proposer.

21. Project Construction

The construction phase of the Project shall be completed in accordance with the Lease Agreement, along with any and all applicable rules, regulations, ordinances and standards required by the City of Miami, and the County, and/or any other applicable regulatory agency or entity. Notably, the County is seeking Proposals that have expedited timelines for completion of the construction for the Project, which offer a realistic schedule to both start and complete construction.

The Selected Proposer shall obtain, at its sole cost and expense, certified, experienced, and reputable architectural and engineering services, and construction services including, but not limited to, a general contractor, project manager, and Subcontractors, and such services will need to be secured, at the Selected Proposer's sole cost and expense, and in accordance with the County's rules and regulations, including, as described above, but not limited to, the County's Community Business Enterprise Program and the Community Small Business Enterprise Program.

No construction will commence on the Project Site until the Selected Proposer has obtained all required insurance, payment and performance bonds, licenses, approvals, and permits from any and all appropriate entities, agencies, and/or jurisdictions. The County will issue a Notice to Proceed for the Selected Proposer to commence work, once all requirements are met.

22. Sea Level Rise

In accordance with Resolution No. R-451-14, the Selected Proposer shall be required to consider sea level rise projections and potential impacts as best estimated at the time of the Project, using regionally consistent unified sea level rise projections, during all project phases including but not limited to planning, design, and construction, to ensure that the Project will function properly for fifty (50) years or the design life of the Project, whichever is greater.

23. CareerSource South Florida

CareerSource South Florida (formerly known as the First Source Hiring Referral Program). Where applicable, pursuant to section 2-2113 of the Code of Miami-Dade County and Miami-Dade County Implementing Order No. 3-58, for all contracts for goods and services, the awarded developer, prior to hiring to fill each vacancy arising under a County contract shall (1) first notify the South Florida Workforce Investment Board ("SFWIB"), the designated Referral Agency, of the vacancy and list the vacancy with SFWIB according to the Code, and (2) make good faith efforts as determined by the County to fill a minimum of fifty percent (50%) of its employment needs under the County contract through the SFWIB. If no suitable candidates can be employed after the Referral Period of three (3) to five (5) business days, the successful proposer is free to fill its vacancies from other sources. The successful proposer will be required to provide quarterly reports to the SFWIB indicating the name and number of employees hired in the previous quarter, or why referred candidates were rejected. Sanctions for non-compliance shall include, but not be limited to: (i) suspension of contract until the contractor performs obligations, if appropriate; (ii) default and/or termination; and (iii) payment of \$1,500.00/employee, or the value of the wages that would have been earned given the non-compliance, whichever is less. Registration procedures and additional information regarding the program are available at www.careersourcesfl.com or by contacting the SFWIB (i.e., CareerSource South Florida) at (305) 594-7615.