



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Budget, Planning & Sustainability**  
**Committee**

May 12, 2009

2:00 P.M.

Commission Chamber

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Commission Auditor  
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**Miami-Dade County Board of County Commissioners  
Office of the Commission Auditor**

**Legislative Notes  
Budget, Planning & Sustainability Committee  
Meeting Agenda**

**May 12, 2009**

Written analyses and notes for the below listed items are attached for your consideration:

**Item Number(s)**

1F1	2X
1F2	3H
1F3 Substitute	3I
2R	3J
2T	3O
2W	3Q

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

Acknowledgements--Analyses prepared by:  
Elizabeth N. Owens, Legislative Analyst  
Lauren Young-Allen, Legislative Analyst

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item: 1(F)1**

**File Number: 090795**

**Committee(s) of Reference: Budget, Planning and Sustainability Committee**

**Date of Analysis: May 12, 2009**

**Type of Item: Code Amendment**

**Prime Sponsor: Commissioner Joe A. Martinez**

**Summary**

This ordinance amends the Code of Miami-Dade County (Code) to provide for permanent donation collection bins on improved property owned by a charity, providing for buffering, setbacks, and permit requirements.

**Background and Relevant Legislation**

Current Code

Presently under § 33-19 of the Code, donation collection bins are prohibited. A donation collection bin is defined as a receptacle designed with a door, slot or other opening which is intended to accept and store donation items. This definition does not include non-motorized vehicles which are permitted as a special exception.

**Policy Change and Implication**

The proposed additions to the Code define the parameters in which permanent donation collection bins are allowable in Miami-Dade County.

Comparison to Other Jurisdictions

Other jurisdictions which require collection bins to be permitted or registered include Chicago, IL, Woodbridge, NJ, Huntington, NY, Nashville, TN, and Milwaukee, WI.

A cursory review of other jurisdictions, found the following subject matters being addressed in their Code:

- The placement of the collection bin could constitute a health or safety hazard. Such hazards include, but are not limited to, the placement of a collection bin in parking spaces, in any area that interferes

with pedestrian or vehicular traffic, landscaping, or within 100 yards of any place which stores or sells large amounts of fuel or other flammable liquids/gases, or is likely to attract vermin or litter (sources: Borough of Edgewater Ordinance No. 1403-2009; Township of Bernards Ordinance No. 2042);

- Specify the number of collection bins allowed on the property;
- Mandate that all donations must be fully enclosed in the collection bin. Donations that are not fully enclosed in the collection bin are considered a public nuisance and subject to removal at the owner's expense (Milwaukee Code § 33.02); and
- Specify the material the collection bins can be composed of (ex. metal, steel, plastic).

In addition, this ordinance addresses common issues experienced in Miami Dade County and other jurisdictions, such as for-profit organizations setting up collection bins and the proliferation of unregulated collection bins.

**According to the Office of Neighborhood Compliance, from January 2008 to April 2, 2009, they conducted a total of 32 investigations regarding illegal collection bins. Of the 32 cases, there have been 24 warning letters issued for the removal of collection bins and 3 notices of violation served. Two cases remain open.**

**Prepared By:** Elizabeth N. Owens

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item: 1(F)2**

**File Number: 090769**

**Committee(s) of Reference: Budget, Planning and Sustainability Committee**

**Date of Analysis: May 12, 2009**

**Type of Item: Code Amendment**

**Prime Sponsor: Commissioner Dorrin D. Rolle**

**Summary**

This ordinance amends the Code of Miami-Dade County (Code) as it relates to the CSBE Program, providing for enforcement and penalties for failure to satisfy an approved CSBE Make-up Plan.

**Background and Relevant Legislation**

Current Code

Currently under § 10-33.02 of the Code, a contractor who is awarded a County contract, determined to be appropriate for CSBE participation, is required to fulfill CSBE goals as established by the County. Failure to achieve the CSBE participation goals may subject the contractor to a variety of sanctions including suspension, work stoppage, termination/cancellation of the contract, and debarment.

In addition, the existing Code states that contractors who fail to fulfill the participation goal may also be ineligible to receive future contracts unless they agree to make up the deficit by having the CSBE perform equal to double the dollar value of the deficiency (the Make-up Goal).

**Policy Change and Implication**

The proposed ordinance defines additional parameters for future contracts and the applied penalties for failing to meet an established CSBE goal. Also, failure to include the required Schedule of Intent Affidavit for any future contracts will result in the submittal of a bid or a proposal being deemed nonresponsive.

Goal Deficit Make-up Report

The February 29, 2009 SBD Goal Deficit Make-up Report lists 17 contractors who have open CSBE violations. Of the 17 contractors listed, only 2 firms have approved Make-up Plans (see table below).

<b>Contractors Presently Required to Submit a Make-Up Plan with a Cumulative Deficit Dollar Balance Exceeding \$100,000 As of February 28, 2009</b>		
<b>Contractor</b>	<b>Date of Violation</b>	<b>Cumulative Deficit Balance</b>
Adventure Environmental, Inc.	9/2007	\$198,583
American Earth Movers, Inc.*	11/2007 5/2008	\$756,500
Budget Construction Co.	6/2007 6/2008	\$993,891
DACA Environmental, Inc.	2//2003	\$171,283
Dato Electric, Inc.	10/2006	\$996,145
Development & Communication Group of FL, Inc.**	4/2005 12/2006	\$624,622
FCE Engineers, Inc.	1/2002	\$1,447,374
M. Villa & Associates, Inc.	8/2001	\$203,912
Petro Hydro, Inc.	6/2006 2/2007 4/2007	\$877,904
Pino Kaoba & Associates, Inc.	8/2007	\$1,162,075
Solo Construction Corp.	2/2008	\$2,598,742
<b>Total</b>		<b>\$10,031,031</b>
<p><i>*For the November 2007 violation, American Earth Movers has an approved Make-up Plan addressing \$56,892 of the \$337,836 make-up amount. The balance, \$280,944, of that make-up amount is included under the Cumulative Deficit Balance of this table.</i></p> <p><i>**For the April 2005 violation, Development &amp; Communication Group of Florida, Inc. has an approved Make-up Plan addressing \$30,377 of the \$55,000 make-up amount. The balance, \$24,622 of that make-up amount is included under the Cumulative Deficit Balance of this table.</i></p>		

Source: SBD Goal Deficit Make-Up Report – February 28, 2009.

On March 10, 2009, the Office of the Commission Auditor (OCA) posed a similar request to SBD regarding the status of open violations of various companies totaling over \$100,000 each from the Violations Report dated March 6, 2009. Additional attempts were made on March 17 and April 1, 2009 to obtain this information. As of the printing of this analysis, SBD has not responded to this request.

Prepared By: Elizabeth N. Owens



**Agenda Item: 1(F)3 Substitute**

**File Number: 091143**

**Committee(s) of Reference: Budget, Planning and Sustainability Committee**

**Date of Analysis: May 12, 2009**

**Type of Item: Code Amendment**

### **Summary**

This ordinance amends the Code of Miami Dade County (Code), permitting outside dining as an ancillary use in business and industrial zones.

### **Background and Relevant Legislation**

#### Current Code

Currently under § 33-13, 33-238 and 33-259 of the Code, outdoor patios and table service in connection with restaurants are considered unusual uses and are not allowed unless a variance for such use is approved by the Community Zoning Appeals Board (CZAB) or the Board of County Commissioners (BCC).

### **Policy Change and Implication**

The proposed substitute ordinance allows outdoor dining as an ancillary use to a structure where the primary use is a food service establishment.

It removes the public hearing requirement for outdoor dining in business and industrial districts, subjecting such use to plan review and approval through the building permit review process, and requiring an annually renewed Certificate of Use.

**In addition, this substitute item requires that site plans include restrooms that conform to building and zoning codes, and denotes that the Certificate of Use can be revoked upon violation of any applicable building and zoning code.**

### **Comparison to Other Jurisdictions**

A cursory review of other jurisdictions found the following in comparison to the proposed ordinance:

- The proposed ordinance contains regulatory language similar to the Cities of Miami and Miami Beach.

- The City of Raleigh North Carolina requires a written Indemnity Agreement that holds the City, its officers, councilors, and employees harmless of any property damage or personal injury.

In addition, the City of Miami's Code includes a section establishing the Dog Friendly Dining Program, allowing for patrons' dogs within certain approved outdoor seating areas of food service establishments in the City of Miami.

**Budgetary Impact**

This regulation provides for an annually renewed Certificate of Use providing a positive economic impact to the County.

**Prepared by:** Elizabeth N. Owens



**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item:** 2R  
**File Number:** 091355  
**Committee(s) of Reference:** Budget, Planning & Sustainability  
**Date of Analysis:** March 12, 2009  
**Type of Item:** Waiver of Rental Fees  
**Sponsor:** Senator Javier D. Souto

**Commission District:**

**Summary**

This resolution authorizes the waiver of \$13,125 in rental fees for the use of the Vizcaya Museum and Gardens for the Fifteenth Inter-American Conference of Mayors & Local Authorities' Cocktail Reception. The event is sponsored by the FIU's Institute for Public Management & Community Service and scheduled for June 10, 2009.

This resolution also authorizes the Administration to appropriate from the In-kind Reserve Fund the following allocations to cover the costs waived:

- \$7,500 to cover the base facility rental fee
- \$5,625 for 225 guests.

**Background and Relevant Legislation**

Under Rule 9.03 of the Board of County Commissioners (BCC) Rules of Procedure, all requests for fee reductions and waivers for the use of Vizcaya Museum and Gardens must be submitted to the BCC for approval. Accordingly, this resolution is submitted for purposes of obtaining the BCC's authorization to waive the rental fee on behalf of the Inter-American Conference of Mayors.

However, Ordinance 08-127, adopted by the Board of County Commissioners on 11/20/08, amended Rule 9.03 by establishing certain criteria and restrictions governing the grant of such fee waivers for the use of the facility. Relevant rule provisions which may apply to the proposed resolution and regulate whether a fee waiver should be granted are as follows:

- Fee waivers and reductions shall be granted only to major cultural, diplomatic, international, military, or other events or conferences involving heads-of-state or other similar individuals that will enhance the visibility of the County as a place to live, work, visit, or invest.
- Fee waivers and reductions shall be granted only to not-for-profit or governmental organizations, and not to private individuals or for-profit organizations.
- All direct costs that result from the organization's event shall be payable by the organization directly to Vizcaya Museum and Gardens, including but not limited to tent or equipment rental, hire of police and cleanup crew, and costs of any damages or cleanup by County staff or outside vendors, unless the resolution granting the fee waiver and reduction states that the County will pay such costs to Vizcaya Museum and Gardens.
- Organizations requesting a fee waiver or reduction should first attempt to find other public or private ways to fund the Vizcaya fee.

The BCC must first determine at a public hearing that the request for a fee waiver meets the noted criteria.

#### **Policy Change and Implication**

None

#### **Budgetary Impact**

The \$13,125 fee waiver does not include the services of the County's Police Department for pedestrian and traffic control. Nor does it include incidental items such as tents, dumpsters, office equipment or staff support. However, the waiver of these costs is addressed in Item 2Q of this committee's agenda.

#### **BCC Action**

This fee waiver requires 2/3 votes of the members present following a public hearing.

**Prepared by:** Lauren Young-Allen

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item:** 2T

**File Number:** 091004

**Committee(s) of Reference:** Budget, Planning & Sustainability

**Date of Analysis:** May 12, 2009

**Type of Item:** Directive

**Sponsor:** Commissioner Audrey M. Edmonson

**Commission District:** Countywide

**Summary**

This resolution directs the Administration to identify in the memorandum that accompanies legislation, the available balance of the designated funding source and/or the available capacity, using reasonable interest rate assumptions, if the issuance of debt is contemplated, prior to the Board of County Commissioners' (BCC) final consideration of the legislation.

**Background and Relevant Legislation**

Generally, the accompanying legislative memo published by the Administration names the funding source without addressing the available funds in a given source. For purposes of fully assessing the fiscal impact of proposed legislation, this resolution requires supplemental information listing the available balance of the funding source and/or the capacity of such funding source before the proposed legislation is considered on a final vote.

**Policy Change and Implication**

If adopted, the Administration would be required to report to the BCC the most current information on designated funding sources which would or may include the available balance, multi-year appropriations, outstanding pledged debt service, or interest rate assumptions.

**Budgetary Impact**

None

**Prepared by:** Lauren Young-Allen

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item:** 2W

**File Number:** 091294

**Committee(s) of Reference:** Budget, Planning & Sustainability

**Date of Analysis:** May 12, 2009

**Type of Item:** Establishing Procedures

**Sponsor:** Commissioner Joe A. Martinez

**Commission District:** Countywide

**Summary**

This resolution urges the Board of County Commissioners (BCC) to procure goods and services, whenever practical, from existing County vendors, or from other contracts and agreements that have been competitively procured, awarded and contracted by governmental entities or using agencies. The resolution also urges the BCC to solicit competitive quotations comparing prices to list prices or prices offered in existing County contracts; and to maintain a written record describing these efforts. However, if it is not practical nor advantageous to procure any specific supplies or services by a competitive procurement process, a Commissioner may purchase the service or good directly, without following the procurement methods prescribed under the resolution.

**Background and Relevant Legislation**

Each Commission district is allocated a budget consisting of (1) discretionary accounts which include district and countywide in-kind reserves, mom and pop funds, and County services reserves; and (2) an office operating account. The discretionary accounts are pre-determined, fixed, spending accounts in which Commissioners award funding to Community-Based Organizations or other qualifying entities which provide a community benefit. The office operating budget expenditures, other than personnel pay and benefits, generally consist of the following expenditures: office rent, rental vehicles, janitorial services, bottled water, fuel, postage, office equipment (such as computers, copiers, fax machines), maintenance costs, telephones, cell phones, subscriptions, parking, outside printing, and office supplies. The actual allowance for these office expenditures differ from district to district and are contingent upon the district's or Commissioner's needs.

Under the proposed resolution, in order to obtain competitive and reasonable prices, the BCC is encouraged to implement the general principals set forth under Administrative Order (AO) 3-38

(entitled Master Procurement Administrative Order) as to the spending allowance budgeted for discretionary operating expenditures. AO 3-38 delineates the manner, method and policy for purchasing goods and services for County-government needs. Goods and services which exceed certain threshold dollar amounts are subject to the formal procurement process set forth in the AO. Although in many instances, goods and services purchased by County Commissioners are actually exempt from the procurement code constraints due to the amount of money expended or the type of service procured, this resolution urges the Commissioners to make an effort to obtain competitive prices.

**Policy Change and Implication**

This resolution would require the BCC when purchasing goods and services from their spending account and office budgets to apply the methods and principals embodied in the County’s procurement process, when practical.

**Budgetary Impact**

Collectively, the BCC’s office operating budget (which would fall under the directive of this resolution) totals \$12,090,000 for FY 08-09. (Source: Adopted Budget FY08-09, Vol. II, p.12)

**Survey**

A survey of other county commission’s procurement policies disclosed that Broward County’s procurement code applies “to every procurement of the Board of County Commissioners irrespective of the source of the funds.” (Broward County Code, Chapter 21, Sect. 21.6 – Application of this Code)

**Prepared by:** Lauren Young-Allen

**MIAMI-DADE COUNTY  
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Legislative Notes

**Agenda Item:** 2X  
**File Number:** 091369  
**Committee(s) of Reference:** Budget, Planning & Sustainability  
**Date of Analysis:** May 12, 2009  
**Type of Item:** Directive  
**Sponsor:** Commissioner Katy Sorenson  
**Commission District:** Countywide

**Summary**

This resolution directs the County Mayor to evaluate the potential for Miami-Dade County to join the LED City Partnership, a consortium of government and industry partners whose mission is to deploy and promote the use of LED (Light Emitting Diode) technology for general illumination and energy conservation purposes. The resolution also directs the Mayor to identify an appropriate pilot project for incorporating LED lighting, funding sources, potential grants, and provide a benchmark measure of the potential level of carbon emission that may be reduced under the pilot program.

**Background and Relevant Legislation**

In March 2009, the Board of County Commissioners adopted Resolution R-228-09, a resolution to reduce the County's electrical energy consumption. The resolution directed the County Mayor to pursue energy conservation options which would reduce electricity consumption by 20% no later than 2014, and to investigate all opportunities to reduce electrical energy consumption in Countywide operations which includes procuring products qualified by the Energy Star program.

The pending proposed resolution implements the directive of R-228-09 by requiring the County Mayor to test the economic and environmental benefits of retrofitting LED lighting in countywide public settings, and to study the feasibility of becoming a LED City partner.

**Policy Change and Implication**

None

**Budgetary Impact**

Unknown.

The City of Raleigh, NC, which is a LED City, has reported that savings in maintenance and energy costs from the LED technology is anticipated to yield “a payback ranging from four to seven years, assuming an annual increase in maintenance and energy costs of approximately 3 percent.” (Source: City of Raleigh Press Release, “City Of Raleigh, Cree Team Up To Create First Led City,” issued 9/4/08)

**Prepared by:** Lauren Young-Allen

**MIAMI-DADE COUNTY  
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Legislative Notes

**Agenda Item:** 3H

**File Number:** 091140

**Committee(s) of Reference:** Budget, Planning & Sustainability

**Date of Analysis:** March 12, 2009

**Type of Item:** Authorization to Execute a Memorandum of Understanding

**Sponsor/ Requester:** Department of Small Business Development

**Commission District:** Countywide

**Summary**

This resolution authorizes the County Mayor to execute a Memorandum of Understanding with the South Florida Workforce Investment Board (Workforce Board) for purposes of establishing the Workforce Board as a first-stop workforce organization providing training, development and referral services to eligible persons working in the construction and labor industry.

**Background and Relevant Legislation**

On May 5, 2009, the Board of County Commissioners adopted Resolution R-594-09 urging the South Florida Workforce Investment Board to enter into a Memorandum of Understanding with Miami-Dade County for purposes of providing "primary first-stop functions for Workforce Development Organizations and Workforce Recruitment/Referral Organizations for Miami-Dade County's Community Workforce Program." The goal of the adopted resolution was to enhance - through integration of available resources, coordination of services, partnerships, and sharing of information and referrals - the successful employment and self-sufficiency of trained skilled and unskilled labor.

Miami-Dade County's Department of Small Business Development (SBD) administers the County's Community Workforce Program (CWP) which requires 10% participation of local construction workers and laborers on certain capital construction contracts for public improvements located in Designated Target Areas experiencing high unemployment. Under the proposed resolution, SBD would serve as the County's entity designated to collaborate with the Workforce Board to implement the provisions of the agreement.



**Findings & Surveys**

A concern over the sharp contraction in the construction industry has prompted the pending proposal. However, local economists suggest that public and private construction spending may be delayed for an extensive period of time as a result of the soft economy. The Beacon Council has recently reported that Miami-Dade's construction sector continues to be a concern as to its unemployment rates. Employment has decreased by 19% from February 2008 to February 2009. (See: Press Statement, 3/27/09, "February 2009 Unemployment Figures"). The County's Office of Economic Development Coordination reports that residential construction spending nationwide declined in the 3<sup>rd</sup> quarter of 2008 at an annual rate of 18%. That Office also reports that the County's economy mirrors the nation's. (See Economic News Briefing, 12/15/08). These economic forecasts suggest that a quick recovery in construction jobs may not occur given the economic trend in which private commercial investments are declining, reducing the incentive to build and expand. Therefore, the proposed government agreement, designed to increase employment in the construction industry during the current economic downturn, may have a modest effect.

**Budgetary Impact**

None

**Prepared by:** Lauren Young-Allen

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
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Legislative Notes

**Agenda Item:** 3I

**File Number:** 091262

**Committee(s) of Reference:** Budget, Planning & Sustainability

**Date of Analysis:** May 12, 2009

**Type of Item:** Memorandum of Understanding

**Sponsor/ Requester:** Department of Small Business Development

**Commission District:** Countywide

**Summary**

This resolution authorizes the execution of a Strategic Alliance Memorandum between the federal Small Business Administration (SBA) and the County to start, maintain and expand small businesses. The agreement will allow SBA and the County, through the County's Department of Small Business Development, to collaboratively improve access to information, provide training seminars, offer technical assistance and SBA resources to facilitate the development and sustainability of small businesses.

**Background and Relevant Information**

Under the terms of the 2-year agreement, certain pertinent protocols and restrictions are set forth. In particular, the agreement does not authorize the expenditure of any funds, does not create binding obligations between the County and SBA, nor create an association, partnership, joint venture, principal-agent relationship between the County and SBA. Furthermore, the joint training and outreach activities contemplated under the agreement will require further negotiations as to the specifics, and a separate agreement developed pursuant to the SBA's co-sponsorship authority.

**Policy Change and Implication**

None

**Budgetary Impact**

This agreement does not authorize the expenditure or reimbursement of any funds, nor obligate SBA or the County to expend funds for this initiative. However, under the terms of the agreement, future negotiations and agreements may include such provisions provided SBA agrees to such authorization. (See Memorandum, Sects. VI and I).

## **Surveys**

Other governmental entities and organizations which have entered into a Strategic Alliance Memorandum with the SBA are:

- US Department of Labor  
(See:[http://www.sba.gov/idc/groups/public/documents/sba\\_program\\_office/ngr\\_employmentpeoplewithdisabilities.doc](http://www.sba.gov/idc/groups/public/documents/sba_program_office/ngr_employmentpeoplewithdisabilities.doc))
- Mabuhay Alliance of San Diego California (a non-profit organization to assist Asian/ Pacific islander businesses)
- National Minority Business Council, Inc. (a national service organization which assists minority- and women-owned enterprises grow both nationally and internationally)

**Prepared by:** Lauren Young-Allen

**MIAMI-DADE COUNTY  
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Legislative Notes

**Agenda Item:** 3J

**File Number:** 091419

**Committee(s) of Reference:** Budget, Planning & Sustainability

**Date of Analysis:** May 12, 2009

**Type of Item:** Partnership Agreement; Competitive Grant

**Sponsor/ Requester:** Office of Sustainability

**Commission District:** Countywide

**Summary**

This resolution authorizes the County to work collaboratively with the City of Miami to address energy efficiency which includes collaboration on the development of a joint proposal for the Southeastern Energy Efficiency Alliance (SEEA) grant. This resolution also authorizes the support of an independent non-profit organization to manage and implement the collaborative energy plan if the City and the County are successful grant applicants.

**Background and Relevant Legislation**

SEEA is a non-profit organization based in Atlanta, Georgia that promotes energy-efficient policies and practices by aligning governments, businesses, environmental organizations, energy advocates and energy consumers to establish new solutions for energy costs and efficiency improvements. The organization is active in 11 southeastern states including Florida.

In February 2009, SEEA issued a RFP in which a city, county, or regional governmental organization will be selected to design and implement a community energy alliance which replicates Cambridge, Massachusetts' community energy efficiency plan. The successful proposer may be awarded up to \$500,000 to "design and achieve unprecedented gas, electricity, and water savings" which can be sustained for a 5 to 7-year period. Letters of Intent were due March 6, 2009. Proposals are due May 15, 2009. SEEA's selection will be announced on June 20, 2009.

**Policy Change and Implication**

Adoption of the resolution would be consistent with the County's energy consumption reduction objectives as set forth in Resolution R-228-09 adopted in March 2009.

**Budgetary Impact**

Minimal costs will be incurred under the proposed legislation since it is the preliminary step to a competitive grant application/RFP proposal. Any budgetary impact may occur as a result of costs associated with implementing the grant/proposal (such as oversight tasks performed by the County's Office of Sustainability), or if the grant/proposal requires local matching funds.

SEEA anticipates additional funding opportunities via the economic stimulus packages before Congress which include a variety of energy incentive programs such as loan guarantees for energy performance contracts, funding for government building retrofits, and energy efficiency block grants to cities and counties.

**Further BCC Action**

In light of the relatively soon RFP deadlines, the Board of County Commissioners may be required to retroactively approve the Letter of Intent if the pending resolution is adopted.

**Prepared by:** Lauren Young-Allen

MIAMI-DADE COUNTY  
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Legislative Notes

**Agenda Item: 091352**

**File Number: 3(O)**

**Committee(s) of Reference: Budget, Planning and Sustainability Committee**

**Date of Analysis: May 12, 2009**

**Type of Item: Competitive Contract Package**

**Summary**

This Competitive Contracts Package includes a total of thirteen (13) procurement actions with **award allocations totaling \$74,065,500 including subsequent Options to Renew (OTR)**. **Note, the OTR for Item 4.6 is not included in this total because the contract is accessed through the Houston-Galveston Area Council of Governments and as they exercise their right to extend that contract, the County may request permission to access the OTR.**

This package includes: five (5) competitive bid contracts, one (1) bid rejection, two (2) contract modifications, and six (6) purchases made under a competitively awarded contract from another governmental entity.

**Policy Change and Implication / Budgetary Impact**

- **Five (5) Competitive Contracts:**

Item 1.1 - Armored Car Services

This contract is for the purchase of armored car services from Dunbar Armored Inc., in the amount of \$1,851,000 for a five (5) year term. **The annual amount of this contract is less than the previous award allocation.**

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.1	\$1,851,000 for 5 years	\$370,200	\$490,030 for 1 year	\$490,030

Several County departments utilize this contract. The departments and their funding source (provided by DPM) are listed in the chart below.

Department(s)	Funding Source
Clerk of Courts	Clerk's Revenue
Building	Proprietary
Police	General Fund
Parks	General Fund
Water and Sewer	Proprietary
Corrections	General Fund
Seaport	Proprietary
Solid Waste	Proprietary
Aviation	Proprietary
Fire	Fire District
Planning and Zoning	Proprietary
Building Code Compliance	General Fund
Library	Library District Revenue
Vizcaya	Proprietary
DERM	Proprietary
Public Works	General
Law Library	Special Revenue
Human Services	General, State, Federal
Animal Services	General Fund
GSA	Internal Services Funds

Item 1.2 - Pre-qualification Pool for Water Service Line Pipe

This contract establishes a pool of prequalified vendors to supply water service line pipe fittings, washers, saddles and other related items for the Miami-Dade Water and Sewer Department **with a total contract amount of \$15,295,000.**

Vendors recommended for award include Corcel Corp., HD Supply Waterworks Ltd., Pinewood Plumbing Supply Inc., Mainline Supply Co., and Municipal Water Works Inc.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.2	\$7,648,000 for 5 years with one 5-year OTR.	\$1,529,600	\$999,767 for 1 year	\$999,767

Item 1.3 - Pre-qualification Pool for Maintenance, Refurbishment of Baggage Conveyor Systems

This item awards a contract to Vanderlande Industries, Inc. and Thyssenkrupp Airport Systems, Inc. to provide maintenance and/or refurbishment services to the baggage conveyor systems at Miami International Airport. **The total contract amount is \$2,000,000 including subsequent OTR.**

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.3	\$800,000 for 2 years with three 1-year OTR.	\$400,000	\$400,000 for 1 year	\$400,000

Item 1.4 - Solid Fill Service for Tractor and Loader Tires

This item awards a contract to supply solid fill service for tractor and loader tires to Tiresoles of Broward, Inc. Central Tire Corp. and Miller Brothers Giant Tire Services. **The total contract amount is \$1,250,000 including subsequent OTRs.**

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.4	\$250,000 for 1 year with four 1-year OTR.	\$250,000	\$355,000 for initial 2-year term	\$177,500

Several County departments utilize this contract. The departments and their funding source (provided by DPM) is listed in the chart below.

Department(s)	Funding Source
GSA	Internal Services Funds
Parks	General Fund
Water and Sewer	Proprietary
Aviation	Proprietary
Transit	MDT Operating

Item 1.5 - Pre-qualification Pool for Welding Repairs, Machine Shop and Metal Fabrication

This item awards a contract to vendors for the purchase of welding repairs, machine shop and metal fabrication services for various County departments. **The total contract amount is \$21,118,000 including subsequent OTRs.**

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.5	\$10,559,000 for 5 years with five 1-year OTR.	\$2,111,800	\$20,389,595 for 5 years	\$4,077,919

Several County departments utilize this contract. The departments and their funding source (provided by DPM) is listed in the chart below.



Department(s)	Funding Source
Aviation	Proprietary
Building	Proprietary
Corrections	General Fund
Fire Rescue	Fire District Funds
GSA	Internal Service Funds
Housing Authority	Federal Revenue
Library	Library District Revenue
Medical Examiner	General Fund
Parks and Recreation	General Fund
Public Works	General Fund
Seaport	Proprietary
Solid Waste	Proprietary
Water and Sewer	Proprietary

- **One (1) Bid Rejection:**

Item 2.1 - Cremation Services

This item rejects the sole bid proposal from Allen & Shaw Cremation, Inc. to provide cremation services. Allen & Shaw Cremation, Inc. is the current provider. The price offered was 132% higher than the current contract. The offered price includes the cost of expanded services that the present contractor is providing, however, these services are not covered in the current contract.

This item will be re-solicited with revised specifications. The revised specifications will include the expanded services that are currently being provided by the vendor. According to DPM, the expanded services cover the transport, pick-up, storage, and interment of remains when the Medical Examiner's Office is closed. Furthermore, these services are necessary for health and public safety issues.

- **Two (2) Contract Modifications with additional spending authority totaling \$594,500:**

For the following contract modifications, a Request for Qualifications (RFQ) was issued through an open, competitive process to establish a closed pool of pre-qualified contractors based upon their experience and industry qualifications in response to the County requirements set forth in the solicitation.

Authorized Departments issue Request for Quotations against the pool with defined scope of work.

Vendors are issued individual work orders under the contract on an as needed.

Item No.	Contract Title and Modification Reason	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.1	Fire Alarm Systems Services  <u>Reason:</u> Additional spending authority to allow GSA to	\$1,233,000/ 1 yr.	Term unchanged	\$94,500	No Compliance / Performance Issues reported for the eight firms.

	purchase inspection, preventative maintenance, and repair services to the fire alarm system installed in the Lightspeed Building.				
3.2	Telecommunications Services Pool  <u>Reason:</u> Additional spending authority and time to support the County's telecommunications network infrastructure for Enterprise Technology Services and MDR.	\$4,209,000/ 24 months	6 months	\$500,000	No Compliance / Performance Issues reported for the four firms.

- **Six (6) Purchase Made Under Competitively Awarded Contracts of Other Governmental Entities :**

**Items 4.2 and 4.5**, both utilize a Miami-Dade Public School contract to replace expiring leases. According to DPM, there are approximately 200 leases due to expire between May 2009 and August 2010. **If DPM is aware that these contracts are expiring, why are we not getting new leases instead of allocating additional spending authority?**

In addition, the modified allocation is for a substantial increase compared to the existing allocation. According to DPM, the requested allocation takes into account the following:

- Monthly payments for existing leases which extend to May 2012;
- Upcoming lease renewals over the next 15 months, assuming they will be renewed for like equipment under 3 year lease; and
- A 15% overage on the allowed copy volume by equipment type.

**Items 4.2 and 4.5** also state that accessing these contracts, as the existing lease is expiring, result in approximately 40% savings from the current pricing. According to DPM, these savings are calculated by comparing three year lease rates priced in the County contract BW7126 versus three year lease rates priced in contracts the County is accessing for like devices.

Item No.	Contract Title and Modification Reason	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
4.1	<p>Information Technology Hardware</p> <p><u>Reason:</u> Additional spending authority totaling \$5,203,000 for the Enterprise Technology Services Department and the Miami-Dade Public Library System (contract established by Miami-Dade Public Schools).</p>	\$21,053,000 / 30 months	None	\$5,203,000	No Compliance / Performance Issues reported for the five firms.
4.2	<p>Multifunctional Devices, Copy Equipment, Services, and Supplies</p> <p><u>Reason:</u> Additional spending authority totaling \$2,002,000 to allow various County departments to continue lease payments, replacement of expiring leases, and purchase of multifunctional devices, copier equipment, services and supplies (contract established by Miami-Dade Public Schools). <b><u>See below for additional information.</u></b></p>	\$500,000 / 1 year	None	\$2,002,000	No Compliance / Performance Issues reported for the four firms.
4.3	<p>Information Technology Hardware: Network Infrastructure</p> <p><u>Reason:</u> Additional spending authority totaling \$22,342,000 for Information Technology Network Infrastructure. This contract includes replacement or upgrade of existing network equipment (contract established by State of Florida).</p>	\$14,000,000/ 32 months	None	\$22,342,000	No Compliance / Performance Issues reported for the 27 firms.
4.4	<p>Pharmaceutical Supplies</p> <p><u>Reason:</u> Additional spending</p>	\$1,537,000 / 30 months	3 months	\$186,000	No Compliance / Performance Issues reported for this

	authority totaling \$186,000 and time for MDRF to purchase pharmaceutical supplies (contract established by State of Minnesota).				firm.
4.5	<p>Copying and Facsimile Equipment, Maintenance, and Supplies</p> <p><u>Reason:</u> Additional spending authority totaling \$2,224,000 to allow various County departments to continue lease payments, replacement of expiring leases, and purchase of copying and facsimile equipment, maintenance, and supplies (contract established by Miami-Dade Public Schools). <b><u>See below for additional information.</u></b></p>	\$500,000 / 8 ½ months	None	\$2,224,000	No Compliance / Performance Issues reported for the four firms.
4.6	<p>911 Equipment and Emergency Notification Software and Services</p> <p><u>Reason:</u> To access a contract established by Houston-Galveston Area Council of Governments contract to acquire Positron Viper E-911 software licenses, equipment, implementation services, maintenance and support.</p>	\$2,300,000 / 2months, with one two-year OTR.	n/a	n/a	No Compliance / Performance Issues reported for this firm.

**Prepared by:** Elizabeth N. Owens

**MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

**Agenda Item:** 3(Q)

**File Number:** 091407

**Committee(s) of Reference:** Budget, Planning & Sustainability

**Date of Analysis:** May 12, 2009

**Type of Item:** Replacement Contract; Bond Counsel Pool

**Sponsor/ Requestor:** Department of Procurement Management

**Commission District:** Countywide

**Summary**

This resolution would authorize the below pools of law firms, comprised of nationally recognized "Red Book" listed senior firms and local minority junior firms with gross annual revenues of \$5 million or less, to be appointed as the County's Bond Counsel, Authority Counsel and Disclosure Counsel for a 7-year period.

The following law firm pools have been ranked as the top proposers meeting the required qualifications and are recommended for the Board of County Commissioners' (BCC) approval.

Bond Counsel

- Squire, Saunders & Dempsey, LLP as senior KnoxSeaton d/b/a Y3K Holdings, Inc. as associate
- Greenberg Traurig, P.A. as senior Edwards & Associates, P.A. as associate
- Hogan & Hartson, LLP as senior Law Offices of Steve E. Bullock, P.A. as associate

Authority Counsel

- Bryant Miller Olive, P.A. as senior Manuel Alonso-Poch, P.A. as associate
- Foley & Lardner, LLP as senior Richard Kuper, P.A. as associate
- Akerman Senterfitt as senior Law Offices of Michael Diaz as associate

Disclosure Counsel

- Hunton & Williams, LLP as senior Law Offices of Thomas H. Williams, Jr. P.L. as associate
- Nabors, Giblin & Nickerson, P.A. as senior Liebler, Gonzalez & Portuondo, P.A. as associate
- Edwards Angel Palmer Dodge, LLP as senior Rasco Reininger Perez Esquenazi & Vigil P.L. - associate

**Background and Relevant Legislation**

In prior legislation adopted by the Board of County Commissioners (BCC) on January 22, 2009, the BCC authorized the Administration to extend for 6 months or less its contract with three pools of law firms which serve as the County's Bond Counsel, Authority Counsel and Disclosure Counsel. The existing pools were established pursuant to resolution R-1324-03 on February 3, 2004. The term of their contract was to expire in February 2009. However, due to a delay in finalizing and publishing the RFQ for each new pool, the selection process was not completed until April, 2009. This resolution is the replacement contract.

This resolution also complies with the directive issued by members of the Budget, Planning & Sustainability committee on February 10, 2009, regarding substitution of counsel. At the February committee meeting, Item 2DD was presented which would have allowed the Administration to waive the competitive process governing the appointment of Bond Counsel in order to select a substitute senior firm to join an existing associate junior firm. The law firm of Holland & Knight, a senior firm, withdrew its services before the end of the contract period. As a result, the associated junior law firm was no longer eligible to serve as a member of the County's pool. The junior firm, however, had demonstrated that the termination of the contract was due to events beyond its control. Relying on County policy, the Administration, at its discretion, recommended replacing the senior law firm and allowing the existing junior law firm to enter into a new joint venture with the substitute senior firm. The committee, however, directed the Administration to not waive the competitive process noting the contract would soon expire, and for purposes of protecting the integrity of the process, among other things. Accordingly, this resolution, which is the replacement contract, complies with the committee's directive.

**Policy Change and Implication**

None

**Budgetary Impact**

The recommended pools of bond counsel will earn or be allocated the following fees:

- Bond Counsel pool - \$7 million
- Authority Bond Counsel Pool - \$4.2 million
- Disclosure Counsel Pool - \$4.9 million

**Prepared by:** Lauren Young-Allen