



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Budget, Planning & Sustainability
Committee

December 8, 2009
2:00 P.M.
Commission Chamber

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Commission Auditor
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Miami, Florida 33128
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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

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

December 8, 2009

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

Item Number(s)

2(E)	3(J)
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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:
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**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR**



Legislative Notes

Agenda Item: 2E
File Number: 093146
Committee(s) of Reference: Budget, Planning & Sustainability
Date of Analysis: December 4, 2009
Type of Item: Authorization of Interlocal Agreement and Issuance of Bonds
Sponsor: Chairman Dennis C. Moss
District: 9

Summary

This resolution authorizes the execution of an inter-local agreement with the Capital Trust Agency, a independent public entity, for purposes of allowing the public entity to (1) operate within the jurisdictional boundaries of Miami-Dade County, (2) to issue tax-exempt revenue bonds in an amount not to exceed \$11 million, and (3) to loan the bond proceeds to the Miami Community Charter School, Inc., a private, non-profit, educational institution for grades 6 through 12. The charter school will use the proceeds to:

- reimburse, finance or refinance the acquisition, construction, furnishing, and equipping of a 35,000 square foot educational facility to be located at SW 352nd Street, Miami-Dade County,
- fund a debt service reserve fund,
- fund interest accruing on the Bonds, and
- pay expenses incurred in issuing the Bonds.

The bonds are to be secured solely by revenues generated by the school.

Background and Relevant Legislation

Capital Trust Agency

In August of 1999, the city of Gulf Breeze, Florida and the town of Century, Florida, (located on the west coast, panhandle region of Florida) entered into an inter-local agreement to create the Capital Trust Agency pursuant to the authority conferred under §163.01, Chapter 125, Chapter 166, and Chapter 159, Florida Statutes, together with home rule powers granted by the Florida Constitution. The Capital Trust Agency was established for the benefit of Gulf Breeze and the town of Century and any future participating governmental unit willing to facilitate, establish, finance, acquire, construct, equip, and

maintain certain private projects; and to finance and administer programs which inure to the public's benefit. (Source: Capital Trust Agency's website – www.ctafl.org).

Under the Florida Interlocal Cooperation Act and the Florida Industrial Development Financing Act (Part II), the Capital Trust Agency, as an authorized public agency of the state and an independent entity separate and apart from any of its member governments, may issue bonds and delegate to an agent of the entity the power to determine the terms and conditions as may be deemed appropriate.

Proceeds of the bonds issued by the Capital Trust Agency may be loaned to Florida counties, municipalities and qualifying private entities, without regard to the boundaries between counties, municipalities and other local governmental bodies in order to promote the advancement of education, the sciences, health, commerce; and to increase prosperity, living conditions and opportunities for gainful employment for the greatest number of people, among other things.

As a condition precedent to issuing bonds for a project or private entity located within the jurisdictional boundaries of another local government, the Capital Trust Agency must obtain the approval of the local governing body in which the project or private entity is located. (§159.287, Fla. Stat.) The pending resolution grants the Capital Trust Agency, via an interlocal agreement, the authority to operate within Miami-Dade county for the purpose of issuing revenue bonds for the benefit of the Miami Community Charter School.

Miami Community Charter School

The Miami Community Charter School is a private, non-profit, charter school which opened in 2004 and initially served grades K through 5. It is located at 101 SW Redland Road, Florida City (Miami-Dade County), FL. Upon completion of the construction of a new, 35,00 square foot, school facility, financed by the Capital Trust Agency revenue bonds, the school will be re-located to 1870 SW 352 Street. It will serve grades 6 through 12. (Source:www.floridacharters.org; Resolution, handwritten p.13).

The school has been featured in a press release issued by the Florida Department of Education in August 2009 for achieving “a momentous feat of jumping from a school grade of “F” up to “A” for the 2008-09 school year,” and for “meeting 100% of the federal Adequate Yearly Progress (AYP) requirements established by the No Child Left Behind Act.”

In an article written by the school's principal and published in an online newsletter entitled Florida Public School Choice Consortium, the principal writes:

Miami Community Charter School offers a unique program to the community. The essence of the school program is based on three simple elements; order, procedure and cultural exposure. In addition to a strong academic program, which puts the school in the top 5% of all schools in South Miami-Dade, the school sustains a 0% suspension and detention rate since its inception. In this Title I school, 96% of students speak English as their second language. Nonetheless, based on the national norm test, CTBS, at the end of 2008-2009 school year, MCCS' students in grade 8 were reading on a tenth grade level. As well, in mathematics, they scored a year and half above grade level. As a Title I school, MCCS operates on a limited, however well managed budget, with 85% of staff as teaching faculty and in the classrooms. All reading and math classes have a certified teacher and one full-time qualified paraprofessional.

Policy Change and Implication

Authorizing the execution of an inter-local agreement with the Capital Trust Agency for purposes of allowing it to operate within Miami-Dade County, to issue tax-exempt revenue bonds, and to loan the bond proceeds to the Miami Community Charter School would not constitute a new or different public policy. The Capital Trust Agency is comparable to the County's Industrial Development Authority which finances and refinances private capital projects which have a public purpose. The Board of County Commissioners (BCC) has authorized, under previously adopted resolutions, the issuance of industrial revenue bonds for the benefit of qualifying private educational institutions (such as the Belen Jesuit Preparatory School and FIU) for the construction or expansion of the schools' facilities. Therefore, a decision to grant approval of the \$11 million revenue bond loan, via the execution of an interlocal agreement with the Capital Trust Agency, would be consistent with the BCC's previous actions.

Budgetary Impact

Miami-Dade County is not liable for nor obligated to pay the debt service of the revenue bonds. Therefore, the County is not liable for the payment of the principal, premium or interest on the bonds; nor liable for any costs associated with issuing the bonds. (Resolution, handwritten p.10). Because the bonds will not constitute a debt or obligation of the County, adoption of the pending resolution does not create any financial liability for the County.

Prepared by: Lauren Young-Allen

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



Legislative Notes

Agenda Item: 093145
File Number: 3(J)
Committee(s) of Reference: Budget, Planning and Sustainability
Date of Analysis: December 7, 2009
Type of Item: Competitive Contract Package

Summary

This Competitive Contracts Package includes a total of twelve (12) procurement actions.

Policy Change and Implication / Budgetary Impact

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

Item 1.1 – Purchase of Window/Wall Mount Air Conditioning Units

This contract is for the purchase of energy efficient window/wall mount air conditioning units for various County departments. This contract is for a one (1) year term in the amount is \$207,750 with five (5), one-year options-to-renew (OTR). Each subsequent OTR is \$207,750 for a cumulative contract total of \$1,246,500.

Questions / Comments

The following information regarding the previous contract was provided by the Department of Procurement Management (DPM):

The previous contract (Contract no. 030-040-06-1) accessed a State issued contract. The initial term was for March 19, 2007 to June 17, 2008. The first OTR period was from June 18, 2008 to June 17, 2009.

The method of award for the previous contract differs from this contract. The State Contract's basis for award was to the lowest priced responsible bidder. The County's contract is awarded to the two lowest priced responsive, responsible vendors on an item-by-item basis for both groups.

This contract is less than the previous contract because the previous contract was based on usage; therefore, departments reduced their allocations accordingly. In addition, the Housing

Agency was the highest user of this contract and requested that their allocation be reduced from to \$260,000 to \$60,750 because they are utilizing another contract 8475-5/13: Packaged Terminal A/C & Dehumidifiers to meet most of their A/C needs.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.1	\$207,750 for 1 year.	\$207,750	\$499,500 for 15 months.	\$399,600

Item 1.2 – PC Parts, Peripherals, and Maintenance Services (Pre-qualification)

This contract is for the purchase of replacement PC parts, peripherals, and repair services for various County departments. This contract is for a three (3) year term in the amount is \$4,200,000 with two (2), three-year OTR. Each subsequent OTR is \$4,200,000 for a cumulative contract total of \$12,600,000.

Questions / Comments

The following information regarding the previous contract was provided by DPM:

The previous contract was only awarded for support of the Enterprise Technology Services Department (ETSD). The contract amounts and associated releases for each term are listed below:

PC Parts/Repair Services Prequalification Pool

7401-3/08	BPO¹ Allocation	Released Amount
ETSD	\$ 5,445,000	\$ 3,019,151.00
7401-3/08-1	BPO Allocation	Released Amount
ETSD	\$ 2,722,500	\$ 1,608,120.98
7401-3/08-2	BPO Allocation	Released Amount
ETSD	\$ 2,722,500	\$ 1,223,717.02
7401-3/08-3	BPO Allocation	Released Amount
ETSD	\$ 1,650,000	\$ 1,266,477.65

The previous contract was solely awarded for use by the Enterprise Technology Services Department. The new contract includes allocations for Aviation, MDRR, Police, and ETSD. These additional departments are not supported by ETSD; therefore, access to this contract will provide them with the ability to obtain computer parts and repair services.

¹ Blanket Purchasing Order

Short Term Bridge Contract

Contract No. 9147-0/10 – PC Parts, Peripherals, and Maintenance Pre-Qualification Pool. The contract term is October 1, 2009 through March 31, 2010. The Contract amount is \$475,000. As of 12/4/09 total releases to date are \$170,258.

Other County Contracts that Provide the Same or Similar Services

There are similar contracts that provide the County with the ability to purchase computer parts and peripherals such as the State of Florida IT Hardware contract # 250-000-09-1 and 085-FF04 – IT Hardware accessed through the Miami-Dade County School Board. These contracts do not provide maintenance and repair services for all County infrastructure equipment.

This contract (7401- 2/19) provides PC parts, peripherals, and maintenance services when needed through a pool of specialized vendors tailored to the needs of Miami-Dade County. This contract encourages local vendor participation and is administered by Miami-Dade County to provide continuity of services via spot market competitions to obtain required equipment in a timely and cost effective manner.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.2	\$4,200,000 for 3 years.	\$1,400,000	\$1,650,000 for 18 months.	\$1,100,000

Item 1.3 – Groceries

This contract establishes a pre-qualified pool of vendors to supply groceries for several County departments. This contract is for one (1) five-year term with the total amount of \$11,530,000 with no subsequent OTRs.

Questions / Comments

If the previous contract was a 1 year contract, why increase this contract to a 5 year contract?

According to DPM, this contract establishes an open pre-qualified pool of vendors which participate in quarterly competitions. Additional, pre-qualified vendors may be added during the duration of the contract. The quarterly competition allows user departments to obtain the best market prices. The original contract was for one year with four, one-year OTRs, and was also based on an open pre-qualified pool with quarterly competition. This request for a five year contract as proven to be appropriate based on the experience with the predecessor.

As of December 4, 2009, \$1,980,899.45 has been released under the current contract.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.3	\$2,364,400 for 1 year.	\$2,364,400	\$11,530,000 for 5 years.	\$2,306,000

Item 1.4 – Meat, Poultry, Dairy and Frozen Foods

This contract establishes a pre-qualified pool of vendors to supply meat, poultry, dairy, and frozen foods for several County departments. This contract is for one (1) five-year term with the total amount of \$15,498,000.

Questions / Comments:

If the previous contract was a 1 year contract, why increase this contract to a 5 year contract?

According to DPM, this contract establishes an open pre-qualified pool of vendors which participate in quarterly competitions. Additional pre-qualified vendors may be added during the duration of the contract. The quarterly competition allows user departments to obtain the best market prices. The original contract was for one year with four, one-year OTRs, and was also based on an open pre-qualified pool with quarterly competition. This request is for a five year contract as proven to be appropriate based on the experience with the predecessor.

As of December 4, 2009, \$2,460,316.50 has been released under the current contract.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.4	\$15,498,000 for 5 years.	\$3,099,600	\$3,216,490 for 1 year.	\$3,216,490

Item 1.5 – Tire Retreading and Section Repair

This contract is for the purchase of tire retreading and repair services for GSA. This contract is for a one (1) year term in the amount is \$1,465,000 with four (4), one-year options-to-renew (OTR). Each subsequent OTR is \$1,465,000 for a cumulative contract total of \$7,325,000.

Questions / Comments:

This contract combines the following two contracts:

- Contract: 8889-1/09-1 - Tire Retreading and Section Repair
Contract Amount: \$500,000;
Term: 4 months (6/1/09 - 9/30/2009); and
- Contract No.: 6164-4/11-3 - Tire Retreading and Section Repair Services
Contract Amount: \$1,701,575;
Term: 1 year (10/1/09 - 9/30/2010).

The proposed contract is \$236,575 less than the previous contract.

Item No.	Contract Term & Amount	Amount per year	Previous Contract Term & Amount	Previous Contract Amount per year
1.5	\$1,465,000 for 1 year.	\$1,465,000	\$1,701,575 for 1 year.	\$1,701,575

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

Item 2.1 – Cremation Services for Miami-Dade County

This request is to reject the sole bid received in response to a solicitation to establish a contract to purchase cremation services for the Medical Examiner Department. This is the second time a solicitation for these services is being rejected. The Board of County Commissioners approved a bid rejection on June 2, 2009 under Resolution No. 636-09.

- **Six (6) Contract Modifications:**

Item 3.1 – Telecommunications Services Pool

This request is for additional time and spending authority to support the County’s telecommunications network infrastructure for ETSD and MDFR.

Questions / Comments:

This contract has had 6 modifications since its award by the Board of County Commissioners on July 24, 2001 by Resolution No. 888-01. The modification history is provided below:

#	Extended Term	Increased Allocation	Method of Approval	Date Approved	Reason
1	6 months to 1/31/09	n/a	DPM	6/16/08	To provide continuity of services while a long term successor contract was finalized.
2	6 months to 7/31/09	n/a	Resolution No. 1425-08	12/16/08	To provide continuity of services while a long term successor contract was finalized.
3	n/a	Transfer of allocation	Internal modification		Transfer of funds between Aviation to MDFR. This provided MDFR with an additional allocation to cover expenses to complete the wiring project at Station 13 and supply warehouse.
4	n/a	Transfer of Unallocated Funds	n/a	n/a	ETSD requested allocation from the pro-rated funds that were added to the contract during the first six month extension. These funds were not allocated because they were not requested at the time. This modification was required to move unallocated funds to ETSD for fiber installation at the Library’s Metro-e-Services Project and Phase III of the Lightspeed Facility infrastructure development project.
5	6 months to 1/31/10	\$500,000	Resolution No. 636-09	6/2/09	ETSD requested additional time and allocation. This modification was required to provide continuity of services and to support the ongoing

#	Extended Term	Increased Allocation	Method of Approval	Date Approved	Reason
					Lightspeed Facility infrastructure development project to move portions of the County 911 operations and support general telecommunication operations of various County departments.
6	n/a	\$60,000	DPM	8/20/09	Miami-Dade Fire Rescue (MDFR) required additional allocation to complete installation connections for additional T1 lines between the Logistics Division and the Fire shop. Additionally, the increased allocation was needed for data & telephone connection switches to the MDFR Command and Control Room.

Information provided by DPM.

Item No.	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.1	\$4,769,000 for 30 months.	6 month - January 31, 2010 to July 31, 2010.	\$850,000	No Compliance / Performance issues reported for the four (4) firms: Quality Wiring, Inc., Black Box Network, Parmac, Inc., and Net Tech International.

Item 3.2 – Well Drilling Services (Pre-qualification)

This request is for additional spending authority to allow GSA access to this contract and to increase Water and Sewer's allocation. If the modifications are authorized, the contract amount will increase to \$1,030,000, which is more than two times the amount of the original allocation.

Questions / Comments:

The Water and Sewer allocation is for the mandatory well cluster projects required by the 20-year Water Use Permit #12-00017-W issued by the South Florida Water Management District. According to DPM, the first phase has already begun and the remaining phases will be implemented starting in 2009.

Administration will request the withdrawal of this sub-item in a substitute item at the December 8, 2009, Budget, Planning and Sustainability Committee.

Item No.	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.2	\$480,000 for 1 year.	No Change.	GSA - \$100,000 Water & Sewer - \$450,000 for a total increased allocation of \$550,000.	No Compliance / Performance issues reported for the four (4) firms: Bureau Veritas North American Inc., Jaffer Associations Corp., All Webbs Enterprises, Inc., and Hydrologic Associates USA, Inc.

Item 3.3 – Law Enforcement Equipment and Supplies

This request is for additional spending authority to allow MDPD to purchase law enforcement equipment and supplies. If this modification is authorized, the contract amount will increase to \$1,860,000, almost twice the original allocation.

Questions / Comments:

Item No.	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.3	\$1,000,000 for 1 year.	No Change.	\$860,000	No Compliance / Performance issues reported for the fifteen (15) firms.

Item 3.4 – Audio Visual Equipment and Supplies (Pre-qualification)

This request is for additional spending authority to allow MDT² to purchase security and infrastructure upgrades. If this modification is authorized, the contract amount will increase to \$6,468,000, which is almost two times the amount of the original allocation.

Questions / Comments:

The breakdown of the funding source for the MDT's Modification Project is as follows:

Operating Funds	\$ 175,996
Department of Homeland Security	\$2,218,000
20% projected for contractual term	\$ 478,799
Total	\$2,872,795

In addition, the American Recovery and Reinvesting Act (ARRA) funds, in the amount \$1,081,024 will be utilized. Items purchased with ARRA funding are processed separately and are not noted in this item. The total amount allocated for MDT's Modification Project is \$3,475,020.

² Miami-Dade Transit Department

Item No.	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.4	\$3,595,000	No Change.	\$2,873,000	No Compliance / Performance issues reported for the nineteen (19) firms.

Item 3.5 – Landscaping and Lawn Maintenance Services

This request is to obtain approval for the use of MDT Operating funds³ to allow MDT to continue purchasing landscaping and lawn maintenance services. No additional time or spending authority is requested for this item.

Questions / Comments:

Item No.	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.5	\$98,000 for 1 year.	n/a	n/a	No Compliance / Performance issues reported for the two (2) firms: Statewide Maintenance/Striping, Inc. and McIntyre Maintenance, Inc.

Item 3.6 - Parking and Revenue Control System

This request is for additional spending authority to purchase products and/or services to automate Parking Garage C and Surface Lot E, and to support the expansion of the existing Parking and Revenue Control System of the Miami-Dade Seaport (Seaport). If this modification is authorized, the contract amount will increase to \$1,573,000, which is almost three times the original allocation.

Questions / Comments:

This contract was initially accessed and awarded under DPM's delegated authority in the amount of \$490,500 (RFP 4500037623). It was ratified through quarterly report on July 23, 2009, Resolution No. 1056-09.

The quarterly report list the original funding source as federal funds (50%) and proprietary revenue (50%). However, for the additional spending authority, the funding source is special obligation bonds, Seaport 2009 Capital Acquisition.

³ PTP funds are utilized as part of the MDT Operating funds.

Item No.	Initial Contract Term & Amount	Modified / Extended Term	Increased Allocation	Record of Vendors' Performance
3.6	\$491,000 for 18 months.	No Change.	\$1,082,000	No Compliance / Performance issues reported for Federal APD, Inc. (non-local vendor).

Prepared by: Elizabeth N. Owens