


Date: August 9, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava 
Mayor

Subject: Report Regarding an Unsolicited Proposal for Wetlands Mitigation Bank Services

This report is pursuant to Section 2-8.2.6 of the Code of Miami-Dade County which requires that a report be provided to the Board of County Commissioners (Board) of any unsolicited proposal received but not evaluated. This report provides information regarding one such unsolicited proposal and the reason for not evaluating.

Summary

Miami-Dade County received an unsolicited proposal to provide wetlands mitigation bank services to the Department of Regulatory and Economic Resources. In accordance with Section 2-8.2.6 of the Code of Miami-Dade County that establishes the legislative procedures for unsolicited proposals, staff reviewed the proposal and a recommendation to not evaluate the proposal was approved within 30 days.

Background

An unsolicited proposal was received from The Wetlandsbank Company LLC on April 26, 2023. The unsolicited proposal offered a wetlands mitigation bank project to restore wetlands on County property and sell credits to developers for projects that require compensatory mitigation. The services would include: 1) designing, building, financing, operating and maintaining the wetlands mitigation bank; 2) marketing and selling the mitigation credits to developers; and 3) creating a trust fund for future land management costs.

In accordance with *Administrative Order (AO) 3-65, Unsolicited Proposals*, the proposal was reviewed to determine whether it was in compliance with the applicable legislation. Upon conclusion of the initial review, it was determined that the submittal did not contain all statutorily required information. It was noted that the submittal did not meet the minimum legislative requirements related to submission of a conceptual plan, schedule, financing and sources of funds, fees and payments, pricing terms, and listing participating small business enterprises.

For the unsolicited proposal to be compliant with the applicable legislation, provision of the missing information would be required. The next step in the process could have been to advise the proposer of missing information and provide a deadline to submit the information so that the unsolicited proposal could come into compliance with the legislation. However, receiving such supplemental information would not change the circumstances that the County is already moving forward with a wetlands mitigation bank project that has the same project purpose and uses portions of the same properties as the unsolicited proposal. It may also not be in the best interest of the unsolicited proposer to supplement its proposal and disclose the missing information as it may be interested in participating in a future competition by the County for similar services, if the County determines such services will be contracted. The County is early in its project evaluation process and has hired a contractor from the Equitable Distribution Program to provide information to help determine what services the County will perform in-house and those that will require contracting with a vendor.

The Strategic Procurement Department has notified the proposer that the submittal did not contain all statutorily required information in accordance with the legislation and of the decision not to evaluate the

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submittal. The decision not to evaluate the submittal does not impact the firm's ability to participate in any future opportunities with the County. The application fee was returned to the proposer.

This report will be placed on the next available Board agenda. Should you require additional information, please contact Namita Uppal, Director and Chief Procurement Officer of the Strategic Procurement Department, at 305-375-1574.

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