


Memorandum



Date: October 4, 2021

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Status Report Regarding the Solicitation for the Rickenbacker and Venetian Causeways

This report provides a status update to the Board of County Commissioners (Board) on the solicitation for the Rickenbacker and Venetian Causeways. The Causeways are a jewel of our community and play an important role in our shared mobility, resilience, recreation, and more. It’s essential that we address traffic and infrastructure needs of our roadways and bridges, and work to maintain them not just for the present but protect them for the future given the impacts of climate change and storm surge. Causeways are also an amenity that draw a high volume of cyclists and pedestrians, and the safety and mobility of all who use them are paramount.

On July 8, 2021, the Board unanimously adopted Resolution No. R-648-21, approving my recommendation to publish a solicitation for an open and competitive process for the same project purpose as the unsolicited proposal known as Plan Z, which I moved forward because it can achieve many of these objectives. The subsequent competitive *Request for Proposals (RFP) No. 01982, Develop, Maintain and Operate the Rickenbacker and Venetian Causeways and Associated Recreational Elements*, was advertised on August 15, 2021, and remains under the Cone of Silence.

Since advertisement of the RFP, there have been many questions and concerns raised about the unsolicited proposal process as well as the project. As established by Florida Statutes and County Code, the unsolicited proposal is held confidential during the pendency of the solicitation until a recommendation to award is issued or the solicitation is otherwise cancelled. Any entity interested in proposing for the project must submit a proposal under the RFP, including the firm that submitted the unsolicited proposal. As the Board is aware, there are limitations with the procurement process, and it’s important that we ensure the County has an opportunity to obtain sufficient public input – an essential part of our decision-making process. That’s why I have pressed along with Commissioner Regalado to incorporate public feedback and to speak in the Sunshine at all opportunities.

As we moved forward, I identified that additional financial analysis, though not required at this point in the process, was necessary. On September 29, 2021, I held a Sunshine meeting with members of the Board to discuss the project and my direction to perform a Value for Money (VfM) analysis of the project. While there can be cost savings, time savings, and innovations in a public private partnership (P3) project, it is important for the County to explore if there will be benefits in using a P3 delivery model for this specific project.

As per my direction, the County has engaged a consultant under our existing P3 Infrastructure and Financial Advisory Services pool to perform a VfM, which will be ready in late October. The VfM will assess both the project delivery and financing options for the Rickenbacker and Venetian Causeways project and confirm the option offering the best value for money. The VfM will be analyzing the following four delivery models:

1. **P3 or Design-Build-Finance-Operate-Maintain (DBFOM)** – Delivery model included in the current RFP that integrates design, construction, maintenance, financing, and operation into a single contract, whereby the project entity is compensated through tolls (and potentially federally funded milestone payments).
2. **Design-Bid-Build (DBB)** – Conventional County delivery model with financing through a revenue bond, utilization of potential federal funds, maintenance through several short-term contracts, and operation and toll collection by the County.
3. **Design-Build (DB)** – Design and construction folded into one contract with public financing through a revenue bond, utilization of potential federal funds, maintenance through several short-term contracts, and operation and toll collection by the County.
4. **Design-Build-Finance-Maintain (DBFM)** – Delivery model integrating design, construction, maintenance, financing, and operation into a single contract, whereby the project entity gets compensated through availability payments paid from County-operated toll collections and/or federal funds.

Once the VfM is completed, I will share the final analysis with the Board.

Regarding the RFP process, the following options are available:

1. **Extend the RFP** – The County may extend the RFP due date for proposals to more adequately suit the needs of the project by a majority vote of the Board. The extension could allow for reassessment of certain provisions in the RFP, as needed, and will provide more time for public input.
2. **Cancellation of the Solicitation** – The County may cancel the solicitation by a majority vote of the Board. Note that if the County cancels the solicitation, the unsolicited proposal will lose its confidentiality under the P3 statute. However, there may be other applicable statutory protections under Florida law.
3. **Reject Proposals** - After proposals are received, the County may take an action to reject the proposals. Such rejection of proposals would be made by Board resolution upon my recommendation or upon the Board's own initiative. Note that if the County rejects all bids and does not at the same meeting vote to reissue the solicitation, the unsolicited proposal will lose its confidentiality under the P3 statute. However, there may be other applicable statutory protections under Florida law.
4. **Amend the RFP** – Contingent upon the scope of the amendments, either the administration or the Board may seek to amend elements of the RFP to address concerns raised by the public, stakeholders and elected officials.
5. **Maintain the RFP as written** – The County may maintain the current RFP as written and allow proposals to be received and evaluated.

Commissioner Heyman has sponsored an agenda item scheduled for the Board meeting of October 5, 2021, to remove the Venetian Causeway from the solicitation, which I support. I would also like to acknowledge Commissioner Regalado's concerns and the memorandum she prepared to the Board dated September 24, 2021, requesting amendments to the RFP. Once the VfM is completed, the County will be in a better position to determine how to proceed with this project. Accordingly, I urge the Board to await the results of the VfM before making any decisions on the delivery of this project.

Should you require additional information, please contact Rita Silva, Internal Services Department, at Rita.Silva@miamidade.gov.

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