

**RESOLUTION NO. 2022-R-83**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL  
OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING  
THE RE-DEVELOPMENT OF THE MUSEUM OF  
CONTEMPORARY ART BUILDING AS A QUALIFYING  
PUBLIC PRIVATE PARTNERSHIP (“P3”) PROJECT;  
WAIVING THE PROVISIONS OF SECTION 7-202(3)(A) OF  
THE CITY CODE REQUIRING THE ISSUANCE OF A  
REQUEST FOR QUALIFICATIONS (“RFQ”); AND  
AUTHORIZING THE CITY MANAGER TO PREPARE AND  
ADVERTISE A REQUEST FOR PROPOSALS (“RFP”)  
SOLICITATION IN SUPPORT OF THE PROJECT, IN  
ACCORDANCE WITH SEC. 7-202 OF THE CITY CODE OF  
ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE  
AND ALL OTHER PURPOSES.**

**WHEREAS**, on February 22, 2022, the Mayor and City Council of the City of North Miami (“City”) adopted Ordinance No. 1479 which established policies and procedures regarding public private partnerships (“P3”) consistent with state law, and codified at Section 7-202 of the City’s Code of Ordinances; and

**WHEREAS**, Ordinance No. 1479 sets forth the procedural mechanisms relating to the advertisement, selection and award of P3 projects and unsolicited proposals; and

**WHEREAS**, the City is desirous of pursuing the redevelopment of the City’s downtown civic plaza utilizing a P3 concept, including the re-development and construction of a new Museum of Contemporary Art Building (“Project”); and

**WHEREAS**, City staff has engaged the services of WTP America, LLC d/b/a WT Partnership (“WT”) to perform a comprehensive analysis of the Project and to conduct studies on the feasibility of the Project to be developed as a P3 qualifying project; and

**WHEREAS**, the Mayor and City Council have reviewed the analysis and reports provided by WT, attached hereto as Exhibit “A”, and have determined that there is a favorable initial comparative analysis of the relative benefit-cost of developing the Project, utilizing alternative development approaches, with the results of such analysis reflected in financial and economic terms; the complexity of the Project; the schedule and budget challenges; risk shifting; and creative financing opportunities available through or with a private entity; and

**WHEREAS**, upon review of the information received regarding the Project, including the reports provided by the City’s consultants and the criteria set forth in section 7-202(c)(2)(a) of the

City Code, the Mayor and City Council find that the Project is justified and should be approved as a P3 qualifying project as defined in the Ordinance and consistent with Section 255.065 of the Florida Statutes; and

**WHEREAS**, pursuant to Section 7-202(3)(a) of the City Code, all solicitations for P3 qualifying projects not founded upon an unsolicited proposal shall consist of two (2) separate but related competitive processes to select a qualified proposer; and

**WHEREAS**, in accordance with the City Code, a phased approach is required wherein first, a Request for Qualifications (“RFQ”) shall be issued to select a short-list of candidates and then subsequently, a Request for Proposals (“RFP”) shall be issued to the short-listed candidates for evaluation for the P3 qualifying project; and

**WHEREAS**, the Mayor and City Council are desirous of conducting the solicitation in an expeditious manner while preserving the benefits of competitive procurement throughout the selection and evaluation process; and

**WHEREAS**, in support of this effort, the Mayor and City Council determine that it is in the best interest of the City to waive the provisions of the City Code requiring the issuance of an RFQ, thereby consolidating the process into one (1) competitive RFP process and allowing for the evaluation and ranking of all proposals received by the City in a single combined process; and

**WHEREAS**, pursuant to Section 7-202(3)(c) of the City’s Code of Ordinances, the City Manager may prepare and advertise solicitation documents upon the adoption of an Authorizing Resolution by the Mayor and City Council; and

**WHEREAS**, upon adoption of this Resolution, City staff will proceed with the preparation and advertisement of the Project as a P3 qualifying project; and

**WHEREAS**, the Mayor and City Council find that the Project is a P3 qualifying project and hereby authorizing the issuance of a single combined solicitation for the Project, in accordance with Section 7-202 of the City Code, is in the best interest of the City.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:**

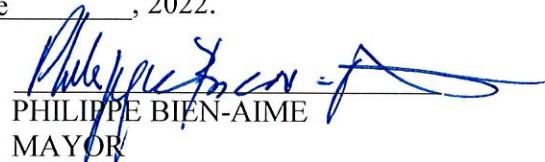
**Section 1. Approval of P3 Qualifying Project.** The Mayor and City Council of the City of North Miami, Florida, hereby find that the Project is a P3 qualifying project, in accordance with Section 7-202 of the City Code.

**Section 2. Waiver of Section 7-202(3)(a) of the City Code.** The Mayor and City Council of the City of North Miami, Florida, hereby waive the requirements of Section 7-202(3)(a) of the City Code requiring the issuance of a Request for Qualifications (“RFQ”) and short-listing for a P3 qualifying project not founded upon an unsolicited proposal, and instead authorize one (1) competitive Request for Proposals (“RFP”).

**Section 3. Authority of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to issue a Request for Proposals (“RFP”) for the Project as a P3 qualifying project in accordance with Sec. 7-202 of the City Code.

**Section 4. Effective Date.** This Resolution shall be effective upon adoption.

**PASSED AND ADOPTED** by a 4-1 vote of the Mayor and City Council of the City of North Miami, Florida, this 28th day of June, 2022.



PHILIP BIEN-AIME  
MAYOR

ATTEST:



\_\_\_\_\_  
VANESSA JOSEPH, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL  
SUFFICIENCY:



\_\_\_\_\_  
JEFF P. H. CAZEAU, ESQ.  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Estimé-Irvin

**Vote:**

Mayor Philippe Bien-Aime  
Vice Mayor Alix Desulme, Ed.D.  
Councilman Scott Galvin  
Councilwoman Kassandra Timothe, MPA  
Councilwoman Mary Estimé-Irvin

(Yes)  (No)  
 (Yes)  (No)  
 (Yes)  (No)  
 (Yes)  (No)  
 (Yes)  (No)