

**CITY OF MIRAMAR
PROPOSED CITY COMMISSION AGENDA ITEM**

Meeting Date: January 22, 2025

Presenter's Name and Title: Kelvin L. Baker, Sr., ICMA-CM, Deputy City Manager

Prepared By: Kelvin L. Baker, Sr., ICMA-CM, Deputy City Manager

Temp. Reso. Number: R8331

Item Description: Temp. Reso. #R8331 APPROVING THE ENGAGEMENT OF THE GOLDSTEIN ENVIRONMENTAL LAW FIRM FOR LEGAL SERVICES TO OPPOSE MIAMI-DADE COUNTY'S SITING, PERMITTING, CONSTRUCTION, AND OPERATION OF A SOLID WASTE TO ENERGY CAMPUS AT THE OPA-LOCKA WEST AIRPORT SITE THAT IS LOCATED ADJACENT TO THE CITY OF MIRAMAR'S BORDER, IN AN AMOUNT OF \$400,000 FOR FY25. (Sponsored by Mayor Wayne M. Messam) (Kelvin L. Baker, Sr., ICMA-CM, Deputy City Manager)

Consent Resolution Ordinance Quasi-Judicial Public Hearing

Instructions for the Office of the City Clerk: Contract signing at the dais.

Public Notice – As required by the Sec. ____ of the City Code and/or Sec. ____, Florida Statutes, public notice for this item was provided as follows: on _____ in a _____ ad in the _____; by the posting the property on _____ and/or by sending mailed notice to property owners within ____ feet of the property on _____
(fill in all that apply)

Special Voting Requirement – As required by Sec. _____, of the City Code and/or Sec. _____, Florida Statutes, approval of this item requires a _____ (unanimous, 4/5ths etc.) vote by the City Commission.

Fiscal Impact: Yes No

REMARKS: Funding in the amount of \$400,000 will be available in Advocacy, GL Account No. 001-90-000-519-000-604968.


Content:

- **Agenda Item Memo from the City Manager to City Commission**
- **Resolution TR# 8331**
- **Exhibit A: The Goldstein Environmental Law Firm, P.A. Engagement Agreement**
- **Attachment(s): Attachment 1: Professional Waiver Justification**



**CITY OF MIRAMAR
INTEROFFICE MEMORANDUM**

TO: Mayor and City Commissioners

FROM: Dr. Roy L. Virgin, City Manager 

BY: Kelvin L. Baker, Sr., ICMA-CM, Deputy City Manager

DATE: January 16, 2025

RE: Temp. Reso. No. R8331, approving the engagement of Environmental Legal Services for opposition of the Miami Dade County Solid Waste to Energy Campus

RECOMMENDATION: The City Manager recommends approval of Temp. Reso No. R8331, approving the engagement of The Goldstein Environmental Law Firm for legal services to oppose Miami-Dade County's Siting, Permitting, Construction and Operation of a Solid Waste to Energy Campus at the Opa-Locka West Airport Site that is located adjacent to the City of Miramar's border, in an amount of \$400,000 for FY25.

ISSUE: The City seeks to continue the engagement of The Goldstein Environmental Law Firm, P.A. during Fiscal Year 2025 for which City staff estimates to not exceed \$400,000. City Commission approval is required for expenditures exceeding \$75,000 in accordance with City Code Section 2-412 (a)(1) and by applying an exemption waiver from the competitive process per City Code Section 2-413(2)

BACKGROUND: On May 3, 2022, the Miami-Dade County Board of County Commissioners ("MDCC") directed the County Mayor to develop and issue a solicitation for a design criteria package for a new Solid Waste-to-Energy ("WTE") Facility.

In 2023, the Miami Dade County's Resource Recovery Facility ("RRF") suffered a major fire, rendering it inoperable to mass incinerate solid waste and the Miami-Dade Commission directed the County Mayor to analyze and recommend sites for a new WTE facility. The three sites being considered were

- Site A1: Dolphin Expressway
- Site A2: Opa-Locka West Airport ("OLWA")
- Site A-3: Okeechobee Road

City Administration expressed the City's opposition to the permitting, construction, and the overall operations of the WTE facility at the OLWA site. As such, that on September 7, 2023, the City Commission passed Resolution 23-186 urging MDCC to reject the County Mayor's recommended OLWA site.

In September 2023, City Administration engaged The Goldstein Environmental Law Firm, P.A. ("Law Firm"), to perform initial research on the matter. Based on the Law Firms' findings, the City Manager proceeded to further engage the Law Firm to provide legal and environmental services.

On February 7, 2024, the City Commission passed Resolution No. 24-69 further opposing the proposed site location and authorizing the City Manager to seek funding from Broward County and the Broward County Solid Waste & Recyclable Material Processing Authority. Neither organization provided any funding towards this effort and on February 21, 2024, the City Commission passed Resolution 24-77 authorizing the City Manager to further engage the Law Firm to represent the City in its campaign of opposition for a total expenditure to not exceed \$300,000 for Fiscal Year 2024.

On September 18, 2024, the City Commission approved the FY25 Budget which allocated \$500,000 for various costs associated with the continued WTE opposition campaign. A total of \$400,000 of the approved budget is being estimated to cover the required legal costs in FY25.

DISCUSSION: After months of deferment, Miami-Dade County has not yet taken a formal vote on the final site of the new WTE. The Opa-Locka West Airport is still in contention with several other locations. The Goldstein Environmental Law Firm, P.A. has been representing the City in its efforts urging Miami-Dade County to not select the Opa-Locka West Airport site. Their services include but are not limited to, representing the City in meetings with Miami-Dade County commissioners, meeting with members of the Miramar administration and commission, engaging the services of environmental professionals and researchers, hiring lobbyists to assist both locally and at the State level, as well as other services which may include litigation, if necessary.

A combined total of \$489,847.50 has been expended for services during FY23 and FY24. As the need for their services continues, additional funding will be needed. Staff estimates additional costs to not exceed \$400,000 for FY25.

The Goldstein Environmental Law firm has provided an Engagement Letter for the services in FY25. Services were procured in accordance with Procurement Authority Exemption Section 2-413(2) of the City Code, *Professional Services*.

ANALYSIS: Funding in the amount of \$400,000 will be available in Advocacy, GL Account No. 001-90-000-519-000-604968.

Temp. Reso. No. R8331
01/09/25
01/14/25

**CITY OF MIRAMAR
MIRAMAR, FLORIDA**

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MIRAMAR, FLORIDA APPROVING THE ENGAGEMENT OF THE GOLDSTEIN ENVIRONMENTAL LAW FIRM FOR LEGAL SERVICES TO OPPOSE MIAMI-DADE COUNTY’S SITING, PERMITTING, CONSTRUCTION, AND OPERATION OF A SOLID WASTE TO ENERGY CAMPUS AT THE OPA-LOCKA WEST AIRPORT SITE THAT IS LOCATED ADJACENT TO THE CITY OF MIRAMAR’S BORDER, IN AN AMOUNT OF \$400,000 FOR FY25; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Waste-to-Energy (“WTE”) refers to treatment technologies that convert waste to electricity, heat, fuel, or other usable materials; and

WHEREAS, on February 12, 2023, a massive fire broke out at the Miami-Dade County Resources Recovery Facility (“RRF”) located in the City of Doral; and

WHEREAS, the RRF fire burned continuously for approximately three weeks, essentially destroying the RRF; and

WHEREAS, on May 3, 2022, the Miami-Dade Board of County Commissioners (“Board”) approved Resolution No. R-432-22 (“Resolution”) and directed the Miami-Dade County Mayor or the County Mayor’s designee (collectively “Mayor”) to develop and issue a solicitation for a design criteria package for a new WTE plant County at the existing Doral site; and

Reso. No. _____

Temp. Reso. No. R8331
01/09/25
01/16/25

WHEREAS, in response to the Resolution, Doral residents organized an opposition to rescind the Resolution and to have the new RRF located outside of Doral; and

WHEREAS, on March 27, 2023, the Board approved Resolution No. R-240-23 that rescinded the Resolution and directed the Mayor to analyze and recommend siting alternatives for a new WTE facility; and

WHEREAS, on August 18, 2023, the Mayor issued a report entitled *Report Related to the Development of an Integrated Solid Waste Plan in Miami-Dade County – A Combined Response to Directives 222097, 230509 and 230998* (“Report”); and

WHEREAS, the Report recommends locating the new RRF facility at the intersection of Krome Avenue and US 27, which is commonly referred to as Opa-Locka West Airport (“OLWA”); and

WHEREAS, the OLWA Site consists of 416 acres of County-owned land that is located in the northwest portion of the County’s Urban Development Boundary; and

WHEREAS, the Report notes that the County considered the fact that there is a residential community within half a mile of the existing Doral WWF, which expressed significant opposition to the new WWF being located there; and

WHEREAS, the Opa-Locka West Airport Site the Report recommends is only within approximately a half a mile from residential communities in Broward County and within a mile of the Miramar Sunset Lake Community in Miramar; and

Temp. Reso. No. R8331
01/09/25
01/16/25

WHEREAS, on September 7, 2023, the City of Miramar Commission passed Resolution 23-186 urging the MDCC to reject the County Mayor’s suggested site; and

WHEREAS, on September 14, 2023, and December 8, 2023, the City of Miramar delivered two objection letters (“Objection Letters”) that were sent from Mayor Wayne M. Messam to the Honorable Oliver G. Gilbert, III, Chairman of the Miami-Dade Board of County Commissioners; and

WHEREAS, the Objection Letters provided Miami-Dade County with a detailed statement of the reasons for City of Miramar’s objection to locating a WTE facility at the Opa-Locka West Airport Site, including that:

- (a) the WTE is essentially a mass-burn facility that must not be located in close proximity to hundreds of families and tens of thousands of residents in the City of Miramar; and
- (b) recent studies have concluded that Miami-Dade County’s WTE incinerator at the Doral location has long emitted pollutants that are known to cause cancer, respiratory problems, and reproductive health risks; and
- (c) it is virtually impossible to prevent material containing toxic substances from being included in incinerator-bound waste streams; and
- (d) it is an environmental threat to locate the WTE facility so close to Everglades National Park; and

Temp. Reso. No. R8331
01/09/25
01/16/25

(e) there are natural resource considerations that make the Opa-Locka West Airport Site inappropriate for a sprawling industrial waste processing campus with a mass burn incinerator, including but not limited to potentially affecting the habitat of federally protected species under the Endangered Species Act, as well as the presence of regulated wetlands under federal, state, and local law covering the vast majority of the site, which is approximately 377 acres of wetlands out of a total of 416 acres; and

WHEREAS, the City recognizes the need to have the assistance of an attorney to provide guidance and legal advice during the opposition of the WTE; and

WHEREAS, the City Manager and the City Attorney have identified The Goldstein Environmental Law Firm, a law firm that practices exclusively and specializes in environmental legal matters in Florida to provide the services that is needed; and

WHEREAS, in September 2023, the Goldstein Environmental Law Firm was procured under Section 2-413(2) of the City Code which provides for the authority for contracts for professional services involving peculiar skill, ability, experience and expertise to be exempt from a competitive procurement process; and

WHEREAS, on February 7, 2024, Resolution No. 24-69 was passed further opposing the proposed site location, directing the City Manager to seek funding from Broward County and the Broward County Solid Waste & Recyclable Material Processing Authority to oppose Miami-Dade County's locating a WTE facility at the Opa-Locka West Airport Site; and

Temp. Reso. No. R8331
01/09/25
01/16/25

WHEREAS, neither organization provided funding towards the effort and on February 22, 2024, the City Commission approved the City Manager engaging The Goldstein Environmental Law Firm and authorized the expenditure of up \$300,000 for professional legal services for FY24; and

WHEREAS, the City Commission believes that it is in the best interest of the citizens and residents of the City of Miramar to oppose the siting, permitting, construction and operation of Miami-Dade County's new WTE facility at the Opa-Locka West Airport location and on September 18, 2024 the City Commission approved the FY25 budget which allocated \$500,000 for various costs associated with the continued WTE opposition campaign; and

WHEREAS, a total of \$400,000 of the approved budget is being estimated to cover legal costs from The Goldstein Environmental Law firm for legal services in the opposition of the WTE in FY25; and

WHEREAS, the services include, but are not limited to, representing the City as various levels, providing legal guidance and carrying out due diligence in contracting material experts, attaining environmental research and opinions, contracting lobbyists both at the local and state level, meeting with elected and agency officials, drafting correspondence and reports on the matter, etc.; and

Temp. Reso. No. R8331
01/09/25
01/16/25

WHEREAS, the City Manager recommends approval of the engagement of The Goldstein Environmental Law Firm for legal services to oppose Miami-Dade County's siting, permitting, construction, and operation of a solid waste to energy campus at the Opa-Locka West Airport Site that is located adjacent to the City of Miramar's border in an amount of \$400,000 for FY25; and

WHEREAS, the City Commission deems it to be in the best interest of the Citizens and residents of the City of Miramar to approve the engagement of The Goldstein Environmental Law Firm for legal services to oppose Miami-Dade County's siting, permitting, construction, and operation of a solid waste to energy campus at the Opa-Locka West Airport Site that is located adjacent to the City of Miramar's border in an amount of \$400,000 for FY25.

Temp. Reso. No. R8331
01/09/25
01/16/25

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF
MIRAMAR, FLORIDA AS FOLLOWS:**

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2. The City Commission approves the engagement of the Goldstein Environmental Law Firm for legal services to oppose the Miami-Dade County's siting, permitting, construction and operation of a solid waste to energy campus at the Opa-Locka West Airport Site that is adjacent to the City of Miramar's border in an amount of \$400,00 for FY25 and authorizes the City Manager to execute the Engagement Agreement attached hereto as Exhibit "A," together with any such non-substantive changes as deemed acceptable to the City Manager and approved as to form and legal sufficiency by the City Attorney.

Section 3. That the appropriate City Officials are authorized to do all things necessary and expedient to carry out the aims of the Resolution.

Temp. Reso. No. R8331
01/09/25
01/16/25

Section 4: That this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this _____ day of _____, 2025.

Mayor, Wayne M. Messam

ATTEST:

City Clerk, Denise A. Gibbs

I HEREBY CERTIFY that I have approved
this RESOLUTION as to form:

City Attorney,
Austin Pamies Norris Weeks Powell, PLLC

<u>Requested by Mayor Messam</u>	<u>Voted</u>
Commissioner Winston F. Barnes	_____
Commissioner Maxwell B. Chambers	_____
Commissioner Yvette Colbourne	_____
Mayor Wayne M. Messam	_____

Reso. No. _____

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.
Brownfields, Transactions, Due Diligence, Development, Permitting, Cleanups & Compliance

2100 Ponce de Leon Boulevard, Suite 710
Coral Gables, Florida 33134
Telephone: (305) 777-1680
www.goldsteincnlaw.com

Michael R. Goldstein, Esq.
Direct Dial: (305) 777-1682
Email: mgoldstein@goldsteincnlaw.com

November 4, 2024

Via Email Only

Dr. Roy Virgin, City Manager
City of Miramar
2300 Civic Center Place
Miramar, Florida 33025

Re: Engagement Letter for Environmental Legal Services

Dear Dr. Virgin:

Thank you for the continuing opportunity to represent the City of Miramar (the "City"). We write to confirm our understanding of the ongoing scope of work that you would like The Goldstein Environmental Law Firm, P.A. (the "Firm"), to perform on behalf of the City, and the City's allied municipals partners, as well as the terms of our engagement. If this summary meets with your expectations, we ask that you bind the City to its terms by executing the acknowledgment below.

II. Scope of Work

The tasks described in this section constitute the services covered by this letter of engagement (the "Scope of Work").

- Meetings with the City, City staff, and elected officials to discuss political, legal, regulatory, and technical strategies to oppose the siting, permitting, construction, and operation of a new Miami-Dade County Solid Waste Campus and Waste-to-Energy ("WTE") facility at the Opa-locka Airport West ("OLAWA") location, Folio Nos. 30-2903-000-0010 and 30-2902-000-0010.

- Appear with City staff and elected officials as the City's special environmental counsel at any and all public proceedings – local, regional, state, and federal – where the new WTE facility is being discussed or is subject to government action or consideration for government action for purposes of (i) monitoring and reporting to the City on the substance of the proceedings and the nature and outcome of any proposed or actual government action; (ii) registering an appearance as the City's representative; and/or (iii) providing public testimony and or objection(s), all as may be applicable and appropriate.
- Meet and confer with any local, regional, state, or federal government officials having jurisdiction over any approvals for the permitting, construction, and operation of the proposed Solid Waste Campus and new WTE facility at the OLVA location to assert the City's concerns and advance the City's position.
- Analyze and present the City with briefings, strategies, and recommendations regarding challenges that may be brought or joined in local, state, and federal administrative and judicial venues to oppose siting, permitting, construction, and operation of the Solid Waste Campus, inclusive of the new WTE facility, at the OLVA location.
- Interview and, as approved by the City, engage environmental, solid waste, engineering, and financial experts for purposes of evaluating and, if appropriate, asserting claims, suits, actions, permit challenges, and any other legal proceedings at the local, regional, state, and federal levels to oppose the permitting of a new WTE facility at the OLVA location.
- As may be necessary and only to the extent subsequently authorized in writing by the City, engage and work with litigation co-counsel to file and prosecute local, state, and/or administrative petitions to challenge any final agency actions that support, enable, or approve siting, permitting, construction, and operation of a Solid Waste Campus, inclusive of the new WTE facility, at the OLVA location.
- As may be necessary and only to the extent subsequently authorized in writing by the City, engage and work with a governmental relations team and/or public relations team to present objections and proposed alternatives to a Solid Waste Campus, inclusive of the new WTE facility, at the OLVA location to (i) local, state, and/or federal regulators, policy makers, and legislators; (ii) newspaper editorial boards; (iii) local media outlets; and (iv) community and neighborhood advocates and other aligned stakeholders, as may be appropriate.

III. Fees & Costs

This Firm's billing rates through December 31, 2025, for the tasks included in the Scope of Work are as follows:

Michael R. Goldstein, Esq. - \$695.00 per hour
Brian Dougherty, Ph.D. - \$650.00 per hour
Brett Brumund, Esq. - \$625.00 per hour
Victoria McCaffery, Esq. - \$525.00 per hour

Other Firm lawyers and professional staff who are directed by the undersigned to work on this matter in the future will be billed at standard Firm rates then in effect. The City agrees to be responsible for any fees and costs¹ incurred by the Firm on the City's behalf related to the matters provided for in the Scope of Work; provided, however, that the Firm's budget for the next twelve months (the "FY 2025 Approved Budget Amount") is as follows:

Local Advocacy

- Scope
 - Miami-Dade Board of County Commissioners
 - Miami-Dade County Office of Mayor & Administrative Departments (DIRM & Solid Waste)
 - Municipalities
 - Aligned Environmental Parties
 - Media

- Budget
 - Legal - \$350,000.00
 - Lobbyists - \$100,000.00
 - Experts, Consultants, and Studies - \$150,000.00

State Advocacy

- Scope
 - Office of the Governor
 - Florida Department of Environmental Protection
 - Florida Department of Health
 - South Florida Water Management District
 - Florida House
 - Florida Senate

- Budget
 - Legal - \$250,000.00
 - Lobbyists - \$150,000.00

¹ Any third-party costs or studies paid for by the Firm on the City's behalf will be marked up by fifteen percent (15%) to cover carrying costs and administrative expenses.

Dr. Roy Virgin, City Manager
November 4, 2024
Page 4

The FY 2025 Approved Budget Amount will not be exceeded without the City's express, written authorization.

IV. Other Matters

The Firm issues invoices for fees and costs monthly; they must be paid within thirty (30) calendar days of receipt to avoid an interest charge of one and one-half percent (1.5%) per month. The prevailing party in any litigation that may arise out of this engagement shall be entitled to attorney's fees. If any term of this engagement letter is to any extent invalid, illegal, or incapable of being enforced, such term shall be excluded to the extent of such invalidity, illegality, or unenforceability; all other terms hereof shall remain in full force and effect. Venue shall be in any competent court of jurisdiction in Miami-Dade County, Florida. Upon completion of the matter to which this representation applies, the attorney-client relationship will end unless the City and the Firm have expressly agreed to a continuation with respect to other matters.

V. Commencement of Work

To continue work on behalf of the City as set forth herein, we ask that you countersign and return a copy of this letter. Thank you for the continuing opportunity to be of service.

Very truly yours,

THE GOLDSTEIN ENVIRONMENTAL LAW FIRM, P.A.

Michael R. Goldstein

Michael R. Goldstein

/mrg

cc: Mr. Kelvin J. Baker, Sr., Deputy City Manager
Norman C. Powell, Esq., City Attorney

Dr. Roy Virgin, City Manager
November 4, 2024
Page 5

Acknowledgment and Agreement

On behalf of **City of Miramar**, I hereby acknowledge that I have read and understand the terms of the Firm's engagement, including the Scope of Work to be performed and the corresponding fees and costs, and authorize the Firm to proceed on such terms.

By: R. Virgin
Name: ROY VIRGIN
Date: 12/12/2024
Title: City Manager

**City of Miramar
Waiver of Competition For Professional Services**

Requisition No.:	Department: Office of the City Manager
Recommended Vendor(s), if any: The Goldstein Environmental Law Firm, P.A.	Date: October 21, 2024
	Estimated Cost: \$400,000
Estimated Hours for Consulting Engagement:	Contact Person: Kelvin L. Baker, Sr
<input type="checkbox"/> Ongoing Purchase / Replacement	<input checked="" type="checkbox"/> New Purchase
If an Ongoing/Replacement Purchase what was the prior year expenditure \$ <u>NA</u>	
Does this purchase request represent an increase or a decrease in utilization or price? (Please explain in detail) NA	

SECTION I

Completion and approval of this form is required in advance of all Waiver of Competition of Professional Services purchases in excess of \$7,500 from Local/Miramar Businesses or \$5000 from all other vendors. (City Code Section 2-413, Procurement Authority exemptions, Item 2)

Check one of the following that best describes the proposed Request for Waiver of Competition:

- The proposed professional service provider exhibits a particular skill, ability, experience, or expertise, which are in their nature unique.
- Expert Witness on behalf of the City in litigation or potential litigation
- Other reason deemed to be in the best interests of the City (Commission Approval Required)

1. In 'layman's terms', describe the required professional service and the purpose or function. (Minimum 3 sentences required.)

The City requires the services of a Law firm that specializes in environmental legal matters. The purpose of obtaining these services is to continue providing legal environmental council to the City to challenge the waste-to-energy (WTE) facility, at the Opa-Locka West Airport ("OLWA") location by Miami- Dade County.

2. Explain why the proposed professional service provider exhibits a particular skill, ability, experience or expertise, which are in their nature unique and the only one that can satisfy your requirements and explain why any alternatives are unacceptable. Be specific with regards to uniqueness of the provider. Describe what steps have been undertaken to make this decision. (Minimum 4 sentences required.)

The Goldstein Environmental Law Firm, P.A. has extensive number of years of experience in environmental law, environmental development, and real estate. Mr. Goldstein focuses on assisting clients to navigate the environmental regulatory and third-party liability risk issues associated with properties directly or indirectly impacted by discharges of hazardous substances and landfilling of solid waste. Over the years the team has received several recognitions for his distinguished contribution to advocate environmental justice and public health. The Goldstein Environmental Law Firm, P.A., provide services for Phase I Tasks and garnered the knowledge and background of the current request for services and is in a unique position to continue to provide services for the continuity of Phase II Tasks.

**City of Miramar
Waiver of Competition For Professional Services**

3. If the particular professional service provider was not available or could not be procured, how would the department proceed with its work? (Minimum 3 sentences required)

City staff does not have the expertise to provide the response, so the City would proceed with conducting a search for another available law firm. It is possible that finding another law firm that has this level of expertise and combined years of experience in environmental law matters specifically in Florida may be challenging. It is unique that all members of the Goldstein Environmental Law Firm P.A. specialize and possess a number of years in this unique field of law.

4. Explain why a waiver of competitive bidding is in the best interest of the City. Be specific. (Minimum 3 sentences required.)

A waiver of competitive bidding will provide the City with the availability of this very experienced and unique law firm to provide a prompt response on behalf of the City. The Goldstein Environmental Law Firm P.A. was retained in FY23 to begin the initial response on behalf of the City. To date the Goldstein Environmental Law Firm P.A., has made all the required contacts with Miami Dade Commission on behalf of the City, drafted letters, conducted several meetings, provided reports, and represented the City. In FY24, City commission approved Reso No. 24-77 to retain The Goldstein Environmental Law Firm P.A., to provide continuous environmental services and responses on the City's behalf. Similar services are needed in FY25.

5. Provide a description of the market survey, research and reference checks conducted and the results, or a statement of the reasons a market survey or research was not conducted. (Minimum 4 sentences required.)

Market Survey was not conducted. The Goldstein Environmental Law Firm P.A. was procured to provide services for Phase I Tasks. The City found that the representation provided by The Goldstein Environmental Law Firm P.A. was prompt outstanding, and professional. City staff is recommending to continue with the services from The Goldstein Environmental Law Firm P.A. for Phase II Tasks

6. Will this purchase obligate the City to a particular provider for future purchases? No

The City will not be signing an exclusive agreement with The Goldstein Environmental Law Firm P.A. The City can procure the services of another environmental law firm if necessary.

7. Explain why the price for this product or service is considered to be fair and reasonable.

The hourly rate of the team is consistent with the rates of other firms across the industry.

**City of Miramar
Waiver of Competition For Professional Services**

8. Describe the negotiations efforts, if any that have been made with the vendor/provider to obtain the best possible price.

Staff requested rates that were consistent with the industry as well as for consideration for providing services to the City to work on this second special project.

9. Describe the actions the department will take, if feasible, to overcome the present barriers to competition prior to any future procurement of this service

The department will seek other firms that has similar experience and level of expertise in the field of environmental law.

DEFINITIONS

EXPERT WITNESS- A person examined as witness in a cause, who testifies in regard to some professional or technical matter arising in the case, and who is permitted to give their opinion(s) as to such matter on account of their special training, skill, or familiarity with it. An expert is a person who possesses peculiar skill and knowledge upon the subject matter that he is required to give an opinion upon.

PROFESSIONAL SERVICE PROVIDER EXHIBITING A PARTICULAR SKILL, ABILITY, EXPERIENCE OR EXPERTISE, WHICH ARE IN THEIR NATURE UNIQUE- A person that has risen to the highest levels of their profession and has earned the highest level of certification or licensing by their professional accreditation body. The person has received recognition and acclaim for their professional association or has a significant record of publication in professional journals or books of academic recognition. The person may also have specific knowledge of a local or of a specific specialized area of study that would exceed others in the profession.

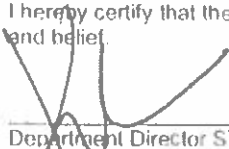
PLEASE ALSO ATTACH ADDITIONAL SHEETS OR INFORMATION AS NEEDED

Name of the person who prepared this request and justification:

Name: DR. SOPHIA BRYAN Position: ADMINISTRATIVE MANAGER

Department: OFFICE OF THE CITY MANAGER Date: 10-24-2024

I hereby certify that the above request and Justification is accurate and complete to the best of my knowledge and belief.

 10-31-2024
 Department Director Signature Date


For Procurement Department Use Only

This approval is effective for 9-30-25 days

A good faith review of available sources has been conducted by:

User Department Procurement Department Standards Committee

I concur that this contract is not suitable for competitive bids or proposals

 10-31-24
 Chief Procurement Officer Date

Proposal For Legal Services

Good morning, Dr. Bryan. This is still a work in progress – I will complete it by today- but here is a preliminary budget. This is very conservative and may not all be necessary.

Fiscal Year 2025 Legal Budget for Opposition to Miami-Dade County Incinerator

I. Local Advocacy

- Scope
 - Miami-Dade Board of County Commissioners
 - Miami-Dade County Office of Mayor & Administrative Departments (DERM & Solid Waste)
 - Municipalities
 - Aligned Environmental Parties
 - Media
- Budget
 - Legal - \$350,000.00
 - Lobbyists - \$100,000.00
 - Experts, Consultants, and Studies - \$150,000.00

II. State Advocacy

- Scope
 - Office of the Governor
 - Florida Department of Environmental Protection
 - Florida Department of Health
 - South Florida Water Management District
 - Florida House
 - Florida Senate
- Budget
 - Legal - \$250,000.00
 - Lobbyists - \$ 150,000.00

III. Litigation

- Scope
 - State Courts
 - State Administrative Proceedings
 - Federal Courts
 - Federal Administrative Proceedings
- Budget
 - Legal - \$500,000.00
 - Experts - \$150,000.00



Richmond National Insurance Company
 3951 Western Parkway, Suite 200
 Richmond, VA 23233

DECLARATIONS
PROFESSIONAL LIABILITY ERRORS AND OMISSIONS COVERAGE
THIS IS A CLAIMS MADE AND REPORTED POLICY

THIS IS A CLAIMS MADE AND REPORTED POLICY. COVERAGE IS LIMITED TO LIABILITY FOR ONLY THOSE CLAIMS THAT ARE FIRST MADE AGAINST THE INSURED DURING THE POLICY PERIOD AND THEN REPORTED TO THE COMPANY IN WRITING DURING THE POLICY PERIOD, BUT NO LATER THAN THIRTY (30) DAYS AFTER EXPIRATION OR TERMINATION OF THIS POLICY, OR DURING THE EXTENDED REPORTING PERIOD IF APPLICABLE FOR A WRONGFUL ACT COMMITTED ON OR AFTER THE RETROACTIVE DATE AND BEFORE THE END OF THE POLICY PERIOD. PLEASE READ THE POLICY CAREFULLY.

In consideration of the payment of the Premium, and in reliance on all the statements made and the information contained in the Application(s) and all materials submitted in support of the Application(s) and subject to all the terms and conditions of this Policy, Richmond National Insurance Company agrees with the First Named Insured to provide the insurance as stated in this Policy.

Policy Number: RN-7-0327569

New Business

Item 1

First Named Insured and Address: The Goldstein Environmental Law Firm

2100 Ponce de Leon Blvd #710
 Coral Gables, FL 33134

Item 2

Policy Period

1/19/2024 - 1/19/2025

1201 A.M. standard form at the address of the First Named Insured as shown above

Item 3

Description of Professional Services

Solely in the performance of professional services as a licensed lawyer for others for a fee.

Item 4

Retroactive Date

1/20/2012

Item 5

Limits of Insurance

\$2,000,000

Each Claim

\$2,000,000

Annual Aggregate

Item 6

Deductible

\$10,000

Per Claim

\$30,000

Annual Aggregate

Item 7

Annual Premium

\$10,081

Total Annual Premium

Item 8

Producer Name

\$250

Company Fee

Socius Insurance Services, Inc.

Item 9

Forms and Endorsements:

Forms and Endorsements applying to this coverage are made a part of the policy at time of issue. See

RNIL 1034 0223 Schedule of Forms and Endorsements

This Declarations Page, together with the completed and signed Application(s) including all materials, attachments and exhibits thereto, and the Policy and any endorsements shall constitute the contract between the First Named Insured and Richmond National Insurance Company.

1/11/2024

Date

By:


 AUTHORIZED REPRESENTATIVE