



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Airport & Seaport Committee**

September 16, 2010

9:30 A.M.

Commission Chamber

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



Legislative Notes

**Agenda Item:** 3(A)  
**File Number:** 102137  
**Committee(s) of Reference:** Airport and Seaport Committee  
**Date of Analysis:** September 13, 2010

**Summary**

This resolution ratifies the acceptance and execution by the Mayor's designee of Supplemental Agreement No. 2 to the Other Transaction Agreement (OTA) between Miami-Dade County and the Federal Aviation Administration (FAA) for the transfer of additional federal funds for the construction of and equipment for the Air Traffic Control Tower (ATCT) at Opa-Locka Executive Airport (OPF), in the amount of \$1,121,366.86 increasing the federal funding for this project to \$7,671,366.86.

The fiscal impact stated in the memorandum reflects a total construction cost of \$10,598,333. However, pursuant to R-695-10 the following correction was supposed to occur:

- *At the 6/10/10 ASC meeting the Assistant County Attorney read the resolution into the record and asked that a scrivener's error under "Change Order Funding Source" be corrected to reflect \$2,024,166.25 as the unfunded balance for the FDOT grant and the MDAD Airport Improvement Fund; and to reflect the total amount as \$11,381,915.57. However, the item was waived on to the 6/15/10 BCC and was ultimately adopted as R-695-10 without the corrections being reflected in the resolution.*

**Background**

On May 9, 2006, the Board of County Commissioners (BCC) adopted R-496-06, authorizing the execution of an OTA between the County and the FAA to develop specifications, design, construct and equip a new ATCT at OPF. The County's contribution towards the project was expected to be approximately \$4.9 million; the FAA contributed \$2.35 million of their total share of \$2.5 million appropriated for the project, reserving \$150,000 for costs associated with the project. FDOT funding was anticipated at the maximum level of \$3,463,181. The remaining funding of approximately \$4,962,489 was to be provided by Aviation Improvement Funds.

On November 6, 2007, the BCC adopted R-1205-07, approving the Supplemental Agreement No. 1 to the OTA between the County and the FAA for additional, Congressionally designated, federal funding in the

amount of \$4.2 million bringing the total federal funding for the project to \$6.7 million. FDOT funding was anticipated at the maximum level of \$3,871,000. The remaining funding of approximately \$354,000 was to be provided by Aviation Improvement Funds. Construction completion and occupancy was scheduled for 2009.

On July 17, 2008, the BCC adopted R-834-08, ratifying the execution of a Joint Participation Agreement (JPA) with FDOT in the amount of \$3,871,000.

On January 22, 2009, the BCC adopted R-22-09, approving the contract award recommendation to TGSV Enterprises Inc. for the construction of the OPF ATCT in an amount not to exceed \$10,598,332 with a contract term of 18 months and a 16% (\$1,328,452) DBE contract measure and a 10% (\$961,300) CWP contract measure. The estimated cost of the ATCT was \$10,925,000 and construction completion and occupancy was expected in 2009.

On June 15, 2010, the BCC adopted R-695-10, approving Change Order No. 1 to the TGSV contract increasing the total contract amount by \$783,583.07, for a new total of \$11,381,915.57, and extending the contract term by 128 days.

- *At the 6/10/10 ASC meeting the Assistant County Attorney read the resolution into the record and asked that a scrivener's error under "Change Order Funding Source" be corrected to reflect \$2,024,166.25 as the unfunded balance for the FDOT grant and the MDAD Airport Improvement Fund; and to reflect the total amount as \$11,381,915.57. However, the item was waived on to the 6/15/10 BCC and was ultimately adopted as R-695-10 without the corrections being reflected in the resolution.*

**Relevant Legislation**

5/11/2004	R-543-04	Authorized PSA with Kimley-Horn and Associates for MIA Airfield Security Project No. E02-MDAD-04 at Miami International Airport in a contract amount of up to \$2,005,000 with an <b>18% DBE goal</b> and a contract term of five (5) years or until all service orders had been completed.
5/5/2009	R-480-09	First Amendment to Project Specific Services Agreement (PSA) with Kimley-Horn and Associates, increases contract amount by \$300,000 for a new total of \$2,305,000 and corrects a scrivener's error in the scope of work description. The PSA awarded through R-543-04 did not include General Aviation Airports (GAA) in the scope of work description in the final agreement. <b><i>This first amendment corrects the scrivener's error by including GAA in the scope of work description and by including the Air Traffic Control Tower Project L-085A, this amendment allowed for Kimley-Horn to meet the 18% DBE goal that was established when the PSA was originally awarded in 2004 as they had only met 4.88%.</i></b>
5/5/2009	<p><i>Prior to adopting R-480-09, the BCC requested the MDAD Director to provide monthly reports regarding Kimley-Horn's efforts to achieve the 18% DBE goal.</i></p> <ul style="list-style-type: none"> <li>• <i>The County Manager provided a Kimley-Horn DBE Achievement Report in a Memorandum dated February 12, 2010 stating that 11% of the 18% goal had been met; <b>the DBE Achievement Report Memorandum dated September 7, 2010</b></i></li> </ul>	

	<p><i>stated that as of July 31, 2010, 12% of the 18% goal had been met, Minority Affairs would continue monitoring the project; and that the project is 90% complete.</i></p>
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### Questions

- What is the current DBE & CWP goal status for the TGSV contract awarded on January 22, 2009 with a 16% DBE goal and a 10% CWP goal?
- What is the project completion date?

**Prepared by:** Bia Marsellos