



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Airport and Seaport Committee

February 12, 2009

9:30 AM

Commission Chamber

Charles Anderson, CPA
Commission Auditor
111 NW First Street, Suite 1030
Miami, Florida 33128
305-375-4354

**Airport and Seaport Committee
Agenda Notes
February 12, 2009**

Item No.	Subject Matter	Background	Analysis / Comments / Questions
3(A)	JPA with FDOT for a \$2 million grant to offset costs of a Strategic Airport Planning Study	<p>This resolution ratifies the actions of the County Mayor's Designee in accepting and executing a Joint Participation Agreement (JPA) between Miami Dade County and the State of Florida Department of Transportation (FDOT) which provides grant funds in the amount of \$2,000,000 to offset the cost of the Strategic Airport Planning Study (Study).</p> <p>The Study is required by the FAA and encompasses the County's system of public use airports including, Miami International Airport, Opa-Locka Executive Airport, Homestead General Aviation Airport, Kendall-Tamiami Executive Airport and Dade Collier Training and Transition Airport.</p> <ul style="list-style-type: none"> • <i>How often does the FAA require the Study be performed?</i> <p>The estimated cost for the Study is \$4,000,000. The Miami Dade Aviation Department's (MDAD) portion is \$2,000,000 and was budgeted for in FY 2008-09. The current study has commenced and is expected to be completed by 2011 by Ricondo & Associates.</p> <ul style="list-style-type: none"> • <i>Was the selection of Ricondo & Associates part of a competitive process?</i> • <i>Why is the cost "estimated" at \$4,000,000?</i> This is the negotiated cost for the County's system of airports as a longer range Strategic Master Plan with plausible development scenarios as opposed to a shorter planning duration single scenario Master Plan. <p>According to the JPA, FDOT and MDAD agree that all terms of the Agreement will be completed on or before June 30, 2012 and this Agreement will expire unless a time extension is provided.</p> <p>The last Study was performed by Landrum & Brown in 1990 and was adopted in 1994 at a cost of \$1,000,000. The findings resulted in recommendations that have been implemented as the Capital Improvement Program, namely the new north runway completed in 2003.</p>	
3(B)	JPA with FDOT for a \$4.9 million grant to offset costs of property	<p>This resolution ratifies the actions of the County Manager as the Mayor's Designee in accepting and executing a Joint Participation Agreement (JPA) between Miami Dade County and the State of Florida Department of Transportation (FDOT) which provides \$4,994,000 in FDOT funding for the Right-of-Way (ROW) acquisition, construction costs and roadway improvements to the intersection of NW 67th Avenue/Ludlam Road, SR 948/NW</p>	



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	acquisition and roadway improvements	<p>36th Street and Perimeter Road at Miami International Airport (MIA).</p> <p>Pursuant to the JPA, FDOT and MDAD agree that all terms of the Agreement will be completed on or before June 30, 2012 and this Agreement will expire unless a time extension is provided. Also, the total estimated project cost of the project is \$9,988,000.</p> <ul style="list-style-type: none"> • What is the detailed breakdown of the total project cost? <p>The Memorandum states, “the roadway intersection was originally constructed as an interim access roadway... and today the intersection has functional problems that affect the capacity and safety of vehicular traffic”</p> <ul style="list-style-type: none"> • Was this roadway originally intended to be a permanent roadway? Yes • Why wasn't it built to anticipate future functional problems? Lack of ROW and funding – unprecedented growth in air-cargo through the late 80's and 90's necessitated a secondary cargo access to NW 25th Street serving the MIA cargo area. • How much was spent on the interim roadway? Who performed the construction for interim roadway? • Who is going to perform current construction? To be bid <p>Background Information:</p> <p>On October 7, 2008, the Board of County Commissioners (BCC) adopted R-1003-08 declaring the acquisition of property located at 6600 NW 36th Street, to be a public necessity. This property is essential in the widening and reconstruction of the intersections of NW 67th Avenue at Perimeter Road and NW 36th Street. Furthermore, R-1003-08 authorized the County Mayor, or his designee and the County Attorney to take all actions to accomplish acquisition of the subject property in fee simple by donation, purchase or by eminent domain, including a Declaration of Taking.</p> <p>According to the Memorandum, the Miami Dade Aviation Department (MDAD) is updating the appraisals.</p> <ul style="list-style-type: none"> • How many appraisals does MDAD have in total? MDAD has three (3) appraisals • How much has MDAD spent on the appraisals in total? Approx \$40,000 <p>The most recent appraisal report dated September 13, 2008, prepared by Quinlivan- Waronker Joint Venture, opines the Market Value of the property is \$975,000.</p> <p>The subject property is a one-story warehouse/office building containing 6,417 gross square feet, built circa 1954. The zoning for the property is BU-3, Liberal Business.</p>	

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		<p>Assessment Information:</p> <table border="1" data-bbox="611 305 1230 570"> <thead> <tr> <th data-bbox="611 305 894 342">Year:</th> <th data-bbox="894 305 1062 342">2008</th> <th data-bbox="1062 305 1230 342">2007</th> </tr> </thead> <tbody> <tr> <td data-bbox="611 342 894 380">Land Value:</td> <td data-bbox="894 342 1062 380">\$587,241</td> <td data-bbox="1062 342 1230 380">\$587,241</td> </tr> <tr> <td data-bbox="611 380 894 417">Building Value:</td> <td data-bbox="894 380 1062 417">\$24,000</td> <td data-bbox="1062 380 1230 417">\$24,000</td> </tr> <tr> <td data-bbox="611 417 894 454">Market Value:</td> <td data-bbox="894 417 1062 454">\$611,241</td> <td data-bbox="1062 417 1230 454">\$611,241</td> </tr> <tr> <td data-bbox="611 454 894 492">Assessed Value:</td> <td data-bbox="894 454 1062 492">\$611,241</td> <td data-bbox="1062 454 1230 492">\$611,241</td> </tr> <tr> <td data-bbox="611 492 894 529">Total Exemptions:</td> <td data-bbox="894 492 1062 529">\$0</td> <td data-bbox="1062 492 1230 529">\$0</td> </tr> <tr> <td data-bbox="611 529 894 566">Taxable Value</td> <td data-bbox="894 529 1062 566">\$611,241</td> <td data-bbox="1062 529 1230 566">\$611,241</td> </tr> </tbody> </table> <p data-bbox="520 610 1967 711">According to the Miami Dade County real estate tax information, the 2008 property taxes are in paid status. The amount paid on November 25, 2008 was \$12,146.39. Public records show the property was last sold in 1975 for \$140,000.</p> <p data-bbox="520 756 821 789">According to MDAD:</p> <p data-bbox="520 794 1913 862">MDAD is working in cooperation with Public Works Department for the required ROW and property acquisition. This project has been identified as crucial from an MIA cargo area access and safety standpoint.</p> <ul data-bbox="569 870 1444 902" style="list-style-type: none"> <li data-bbox="569 870 1444 902">• <i>What is the current status of the ROW and property acquisition?</i> <p data-bbox="520 943 1967 1190">The County and MDAD always prefer and endeavor to acquire ROW properties through a negotiated purchase from willing sellers. In this particular case, the seller is not willing to negotiate. Since the early 1990's, the County, on a number of occasions, has met with the representatives and lawyers of the owner for a negotiated purchase. All previous efforts have been unsuccessful. In 1993, the County litigated for a partial take based on a different roadway design, which resulted in the Court ruling in favor of the owner. Since then no other attempts at eminent domain taking had been initiated until now as the funds required for the purchase and roadway intersection improvement were not available.</p> <ul data-bbox="569 1198 1967 1341" style="list-style-type: none"> <li data-bbox="569 1198 1967 1266">• <i>How much has been spent to date?(According to R-1003-08 the County litigated for a partial take based on a different roadway design in 1993 which resulted in a court ruling in favor of the owner)</i> <li data-bbox="569 1308 1184 1341">• MDAD's expenditures to date: \$174,299.20 	Year:	2008	2007	Land Value:	\$587,241	\$587,241	Building Value:	\$24,000	\$24,000	Market Value:	\$611,241	\$611,241	Assessed Value:	\$611,241	\$611,241	Total Exemptions:	\$0	\$0	Taxable Value	\$611,241	\$611,241	
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3(C)	Supplemental JPA No. 1 with FDOT	This resolution ratifies the actions of the County Mayor's Designee in accepting and executing a Supplemental Joint Participation Agreement No. 1 (SJPA) with the Florida Department of Transportation (FDOT) which																						

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	<p>for an additional \$34 million for the MIA Mover Automated People Mover System Project</p>	<p>provides an additional \$34,000,700 for a total FDOT participation amount of \$100,527,433 towards the County's costs of designing, procuring and constructing the MIA Mover project.</p> <p>Background Information: On July 1, 2008, the Board of County Commissioners (BCC) adopted R-735-08 awarding a lump sum contract to Parsons-Odebrecht Joint Venture (POJV) in the amount of \$342,278,032 for the design, construction, operation and maintenance of the MIA Mover Automated People Mover (APM) System Phase I and Phase II.</p> <p>Phase I consists of the design, construction, manufacture, supply, installation, testing and commissioning of the fixed facilities and the operating system, including MIA Station, guideways, maintenance and storage facility, provisions for an air conditioned pedestrian corridors with moving walkways connecting the MIA Station to the MIA Terminal etc. Phase I is for a term of three (3) years for \$246,500,000 with an additional \$12,325,000 for an allowance account and \$616,250 for an Inspector General (IG) Audit Account for a total amount of \$259,441,250.</p> <p>Phase II consists of the operations and maintenance (O&M). POJV has provided a lump sum price for O&M in the amount of \$82,836,782 (inclusive of \$35,177,138 for allowance accounts, \$195,346 Demobilization in case of Termination for Convenience by Owner amount, \$64,995 Task to Train Owner Designated Personnel, and \$118,202 IG Audit Account) for the potential 15 years. The O&M costs for the initial term will be shared equally by MDAD and the car rental companies.</p> <ul style="list-style-type: none"> • For the renewal options, O&M costs will be allocated based on a ridership formula with the Customer Facility Charges paying for the car rental customers and MDAD operating revenues paying for all other users. The CFC contribution shall not exceed the amount equal to the consolidated busing expenses in its last 12 months. <p>The APM System will be an elevated landside system approximately 1.25 miles in total length to transport passengers between MIA and the Miami Intermodal System (MIC) which includes the Consolidated Rental Car Facility (RCF) currently under construction by FDOT.</p> <p>Currently, this project is funded by Airport Revenue Bonds, FDOT grants and CFC placed on each rental car transaction at MIA. However, the project capital costs exceeded the MDAD capital budget allocation by \$30 million. This SJPA No. 1 provides for additional funding to aid that shortfall.</p>	

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		<p>The project is currently in the permitting stage, with a completion date of September 2011.</p> <p>The Department of Revenue has not yet approved the tax-exempt purchase program as per the contract.</p> <p>FDOT has approved the allowance for an alternate foundation system in the State ROW crossing LeJeune Road and the foundation has already been installed.</p> <p>Additional Information: Currently, POJV must address a punch list of various items from the South Terminal. Additionally, there are substantial claims (\$65 million) pending.</p> <ul style="list-style-type: none"> • What is the status of the South Terminal Claims? MDAD has settled approximately 10 claims and is still negotiating the remaining claims (approximately 5) hoping to resolve them by the end of February 2009. • How much of the \$65 million has been paid to date? • What is the status of the punch list items? The punchlist items for Phase I, POJV has taken over all of the work because HPCC has not completed what is left. There are approximately 600 items remaining on the punchlist from the original 24,000 items. POJV has until May 14, 2009 to complete. Phase II punchlists are currently being developed. 	
3(D)	Resolution Authorizing Execution of Amendment No.1 to the Amended and Restated Terminal Agreement between Miami-Dade County and Seaboard Marine, Ltd.	<p>District 5</p> <p>This resolution authorizes the execution of Amendment No. 1 (Amendment) to the Amended and Restated Terminal Agreement (Agreement) between Miami-Dade County and Seaboard Marine, Ltd., (Seaboard) and authorizes a Terminal Services Agreement (TSA) between the Port of Miami Terminal Operating Company, L.C.,(POMTOC) and Seaboard.</p> <p>The Agreement was approved by the Board of County Commissioners on May 20, 2008. The Agreement provides a twenty (20) year commitment by Seaboard to conduct operations at the Port of Miami (POM) to include incremental minimum annual guarantee volume throughputs. The County's obligation to the Agreement included discounts on Terminal Tariff No.010 and made certain infrastructure improvements that included established deadlines.</p> <p>The TSA is between the Operator (POMTOC) and the Contractor (Seaboard) for the placement of loaded and</p>	

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		<p>empty containers, and other equipment, in Operator’s terminal. The TSA will serve as a mechanism to keep Seaboard in the POM and continue its obligation under the Agreement by providing additional space to handle cargo during the construction of the infrastructure improvements conducted by the County.</p> <p>The Amendments to the Agreement include:</p> <ul style="list-style-type: none"> • 6 month extension to the construction deadlines. The County is required to meet the deadlines established in the Agreement. Failure to meet deadlines will result in rent reductions and reduced capital contributions by Seaboard to the County; • County agrees to extend Seaboard’s use of the POM’s Truck scales during the time extension and construction of a new gate complex upon confirmation of the Tunnel Project; and • Provides for an immediate increase to throughput acres to allow for Seaboard’s minimum volume guarantee to incrementally increase as the infrastructure improvement projects are completed and more land become available and operable. <p>Company profile:</p> <p>Seaboard provides 40% of the total cargo for the POM, generating \$13 million in annual revenue. Seaboard is a local company and employs about 1000 jobs between its Miami Offices and Fernandina Beach, Fla.</p>	
3(E)	Contract Award Recommendation for Port Of Miami 2035 Master Plan Project No: E08-SEA-03	<p>District 5</p> <p>This resolution approves the Professional Services Agreement (PSA) between the Miami-Dade County and Bermello, Ajamil and Partners, Inc for the Port of Miami (POM) 2035 Master Plan Update in the amount of \$1,265,000.</p> <p>The scope of services for this PSA consists in the development of the POM 2035 Master Plan to include updating the POM’s cargo, cruise and ferry capital development plans to create a sustainable and viable business model for the POM that includes a 5, 15 and 25 year forecast of cruise and cargo traffic for the POM.</p> <p>Term of the Contract: Two (2) years plus one-year options for a total of four years.</p> <p>Contract amount: \$1,265,000 (\$1,150,000 base contract amount and \$115,000 contingency allowance)</p>	

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		<p>Funding Source: Seaport Revenues. Funding allocations for FY2008-09 is \$350,000 and FY2009-10 is \$915,000.</p> <p>Contract measures: CBE goal of 15% (\$189,750).</p> <p>A competitive process was initiated on October 1, 2008 with a Notice to Professional Consultant which yielded three firms. The three firms evaluated were as follows:</p> <ul style="list-style-type: none"> • Bermello, Ajamil & Partner, Inc. • Post, Buckley, Schuh & Jernigan • TransSystems Corporation Consultants <p>Bermello, Ajamil & Partner, Inc. was determined the most qualified firm.</p> <p>The Department of Small Business Development (DBD) compliance review report reflects the contract measure for this project is 15% CBE sub-consultant goal as required under the contract terms.</p> <p>As of February 3, 2009, the Office of Capital Improvement Information System shows Bermell, Ajamil & Partners, Inc has received seven (7) contracts for a total award of \$6,258,571.</p>	