



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Board of County Commissioners

Supplemental
Legislative Analysis

June 7, 2011
9:30 A.M.
Commission Chamber

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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

**Miami-Dade County Board of County Commissioners
Meeting Agenda**

**Supplemental
Legislative Analysis**

June 07, 2011

These analyses are in addition to those attached to the BCC agenda kit.

Item Number(s)

1F1-1F5
8J1B
8J1D
8J1E
8R1A

Acknowledgements:

Bia Marsellos, Legislative Supervisor
Michael Amador-Gil, Senior Legislative Analyst
Mia Marin, Legislative Analyst
Elizabeth Owens, Legislative Analyst

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



Legislative Notes

Agenda Item: 1(F)1-1(F)5

Committee(s) of Reference: Board of County Commissioners

Date of Analysis: May 20, 2011

Type of Item: Sunset Review of County Boards for 2011

BCC Agenda No.	Legislative Item No.	County Board	Created	Quorum Activity 1/1/2009 – 12/31/2010	Vacancies
1(F)1	110861	Historic Preservation Board	1981	18 meetings scheduled, 18 meetings with quorum	2
1(F)2	110934	Northeast Dade Community Council 2	1996	13 meetings scheduled, 11 meetings with quorum	2
1(F)3	110937	South Bay Community Council 15	1996	15 meetings scheduled, 11 meetings with quorum	2
1(F)4	110936	Biscayne Shores Community Council 7	1996	7 meetings scheduled, 4 meetings with quorum	1
1(F)5	110941	Redland Community Council 14	1996	26 meetings scheduled, 21 meetings with quorum	0

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



Legislative Notes

Agenda Item: 8(J)1(B), 8(J)1(D), and 8(J)1(E)
File Number: 110917, 110924, and 110925
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 1, 2011
Type of Item: Grant Funded Transit Items

Summary

Item No. 8(J)1(B)

The proposed resolution does the following:

- Authorizes the filing of two (2) grant applications for FY 2011 Urbanized §5307 Formula and Fixed Guideway Modernization (FGM) §5309 funds up to \$70 million with the United States Department of Transportation (USDOT) under the Safe, Accountable, Flexible, and Efficient Transportation Act-A Legacy for Users (SAFETEA-LU); and
- Authorizes the execution of grant agreements pursuant to such applications.

Item No. 8(J)1(D)

The proposed resolution does the following:

- Authorizes the execution of a supplemental County Incentive Grant Program (SCIGP) Agreement with the Florida Department of Transportation (FDOT) to amend the original name and scope for the Northeast Passenger Activity Center (NEPAC) to the Northeast Transit Hub Enhancement (NETHE) Project;
- To provide additional State funding in the amount of \$293,485; and
- Authorize the use of Charter County Transit System Surtax (Surtax) Funds.

Item No. 8(J)1(E)

The proposed resolution executes a Supplemental Joint Participation Agreement (SJPA) with FDOT to do the following:

- To amend the original name and scope for the Kendall Bus Rapid Transit (BRT) project to the Kendall Cruiser Enhanced Bus Route Service (Kendall Cruiser) Project;
- To provide additional state funding in the amount of \$3,304,755 to implement capital elements for enhanced bus route service on Kendall Drive; and
- To authorize use of Surtax Funds.

In addition, all three (3) items authorize the receipt and expenditure of funds and/or any additional funds should they become available.

Background and Relevant Information			
Item No.	8(J)1(B)	8(J)1(D)	8(J)1(E)
Subject	SAFETEA-LU funds	NETHE Project	Kendall Cruiser Project
Authorizing Resolution	File No. 110917 (the proposed resolution) will authorize the filing of both grant applications.	On June 15, 2010, through Resolution No. 687-10, the NEPAC project was approved; however, due to the City of North Miami Beach and Miami-Dade Transit (MDT) not reaching an agreement on the project scale, scope, and cost by the January 31, 2011, State deadline, MDT needed to identify an alternative to preserve the funding. This item identifies other feasible alternatives under the NETHE Project.	On May 6, 2008, through Resolution No. 481-08, the original \$5 million JPA was approved. Subsequently, in 2009, the State reduced the original \$5 million to \$1,642,864, which was used to purchase nine (9) 60-ft. hybrid diesel-electric buses. This item provides funding identified from the State's County Incentive Grant Program.
Project Funding	<ul style="list-style-type: none"> • \$52 million FY 2011 Urbanized §5307 Formula • \$18 million §5309 FGM • \$17 million local match FDOT State Toll Revenue Credits (TRC) 	<ul style="list-style-type: none"> • \$1.348 million FDOT FY 2010 • \$293,485 FDOT FY 2011 • \$293,485 local match from Surtax funds 	<ul style="list-style-type: none"> • \$3.305 million in State funds • \$3.305 million local match from Surtax funds
Project Site Location	Countywide	Located in District 4 but impact is Countywide.	Located in Districts 7,8,10 and 11, but impact is Countywide.
Project Description	<p>Support for multiple bus and rail projects.</p> <p>Projects that support funding by FY 2011 §5307 Formula grant include:</p> <ul style="list-style-type: none"> • Capitalization of preventive maintenance, • Project Administration, • Passenger amenities including bus facilities and equipment, • Planning activities in support of the Unified Planning Work Program, 	<p>Improvements to the following existing transit hubs:</p> <ul style="list-style-type: none"> • N.E. 167th Street Bus Hub; • N.E. 15th Avenue Bus Hub; • N.E. 163rd Street Bus Stop; • Aventura Mall Bus Relief Areas; • Aventura Mall entrance bus stop improvements; and • Aventura Mall Publix Shopping Center Stop. <p>Eligible costs under the SCIGP also include final design, survey, geotech, right-of-way,</p>	<p>The project description is amended to include the following:</p> <ul style="list-style-type: none"> • To add CIGP funding and revise the name to Kendall Cruiser Enhanced Bus Route Service Project, formerly known as the Kendall Bus Rapid Transit (BRT) project; • To add the purchase of three (3) 40-ft. Gillig buses with diesel particulate filters, urea exhaust after treatment,

	<ul style="list-style-type: none"> • Transit Enhancement Projects (required by FTA) including disability-related projects, and • Transit Safety and Security Projects (required by FTA). <p>Projects that support funding by FY 2011 FGM grant include:</p> <ul style="list-style-type: none"> • Capitalization of preventive maintenance, • Routine maintenance of the Metrorail and Metromover, and • Replacement of tools and equipment. 	<p>permitting, construction, CEI and engineering services during construction.</p>	<p>hybrid electric drive, and all electric HVAC and spare parts; and</p> <ul style="list-style-type: none"> • To add final design, purchase of right-of-way, construction, and CEI services for a Park and Ride facility located on the northeast quadrant of S.W. 88th Street & SW 150th Avenue.
Estimated Total Costs	\$87 million	\$3,283,854	\$9,895,238
Timeframe	Various	1/2013 to 12/2013	1/2013 to 1/2014
Components Pending for Project	<p><i>What are the specific projects that the SAFETEA-LU grant funding applies to?</i></p> <p><i>Departmental response unavailable at time of printing.</i></p>	<p>Design, construction, and right-of-way acquisition.</p>	<p><i>What components are still pending for this project?</i></p> <p><i>Departmental response unavailable at time of printing.</i></p>

Prepared by: Elizabeth N. Owens

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



Legislative Notes

Agenda Item: 8R1A

File Number: 111111

**Committee(s)
of Reference:** Board of County Commissioners

Date of Analysis: May 26, 2011

Commission Districts: Countywide

Type of Item: Resolution

Summary

This resolution approves the first Option-to-Renew (OTR) for Contract No. S-847 ESP between Miami-Dade County and Envirowaste Services Group, Inc. (ESG) for the Rehabilitation of Sanitary Sewers by the Sectional Lining Method for an additional one (1) year period in the amount of \$650,000.

The contract award was approved administratively on May 10, 2010, to ESG in the amount of \$2.6 million with County option-to-renew for an additional three (3) years on a yearly basis. Furthermore, the Rehabilitation of Sanitary Sewers by the Sectional Lining Method Project was part of the Economic Stimulus Plan project list which was approved by the Board of County Commissioners (BCC) on February 2, 2010.

The contract award was ratified by the BCC on September 21, 2010, through R-949-10.

See legislative history below.

Background and Relevant Information on the Economic Stimulus Plan

On July 17, 2008, the BCC, through Ordinance 08-92, adopted Section 2-8.2.7 of the Code of Miami-Dade County, known as the Economic Stimulus Plan (ESP). *The ESP provides for expeditious treatment of professional service agreements and construction contracts associated with funded capital improvement projects identified in the approved annual capital budget (Proposed Capital Budget and Multi-Year Capital Plan).*

The key elements to the ESP Ordinance included:

- A process to accelerate certain capital projects to spur economic development.
- Delegated authority to the Mayor or his *designee to advertise and award construction contracts* and professional service agreements and approve change orders and amendments, within certain limitations, *subject to BCC ratification.*
- The Mayor or his designee prepares Implementing Orders that expedite the procedures related to the Community Business Enterprise and the Community Small Business Enterprise programs.
- The Mayor or his designee establishes standing selection and negotiation committees.

Legislative History for Contract No. S-847 ESP with Envirowaste Services Group, Inc.

The Request to Advertise (RTA) for Contract S-847 ESP was prepared by the Miami-Dade Water and Sewer Department (MDWASD), and the RTA was approved administratively on December 2009, pursuant to Section 2-8.2.7 of the Code of Miami-Dade County.¹

On February 2, 2010, the BCC, through R-133-10 (File No. 093423), *authorized additional capital projects be added to the ESP list* in order to maintain Miami-Dade County’s continuous support of the local construction industry. The Rehabilitation of Sanitary Sewers by the Sectional Lining Method Project was included in the ESP projects list with an estimated cost amount of \$1 million.

A memo, dated April 7, 2010, from the Water and Sewer Department to the County Manager’s Office, provided the *recommended contract award*. The contract terms included \$650,000 for the first year with an OTR for an additional three (3) years (totaling \$1,950,000) on a yearly basis for a total amount of \$2.6 million.

- Pursuant to the memo, 15 bid packages were issued, and four (4) bids were received. Two of the bids were less than the engineer’s base estimate. ESG’s base bid was \$424, 484 or 19.03 percent under the engineer’s base estimate.

On May 10, 2010, the contract award was approved administratively to ESG.²

On September 21, 2010, the BCC, through R-949-10, *ratified* the administration’s action to expedite capital improvement projects from April 1, 2010 through June 31, 2010. During this period, three (3) projects totaling \$8.4 million were awarded directly via the ESP. ESG was one of the three firms awarded a project in the amount of \$2.6 million. The Manager’s memo stated that the project was part of the *February 2010 ESP list* mentioned above. (See chart below for additional information)

Dept.	Type of Solicitation	Contract Amount	Funding Source	Fiscal Impact	Estimate of No. of Jobs	Contract Measures ³
MDWAS	County bidding process	\$2.6 million	Future WASD Revenue Bonds, Wastewater Renewal Fund, and WASD Revenue Bonds Sold	Operation and Maintenance costs will be \$26,000 annually for each.	12 Provided by the Office of Economic Development Coordination	CSBE: 0% CBE: 0% DBE: 0% CWF: 0%

Source: R-949-10, hwp pg 6.

Additional Information

In response to questions posed by the Office of the Commission Auditor (OCA), Office of Strategic Business Management staff provided the following information:

- If Envirowate’s bid was \$424,483, why was the aggregate amount up to \$650,000? *Contract S-847 ESP is a contract used to repair and rehabilitate faulty sewers at locations anywhere within Miami-Dade County via the cured-in-place sectional pipe lining method. The RTA, Advertisement for Bids, Method of Award and contract award states that “The unit prices bid will be used for uniform comparison amongst the bidders and will be evaluated based upon the lowest bid dollar*

¹ Capital Improvements Information System

² Ibid.

³ Pursuant to R-949-10, if a work order is determined to be in a Designated Target Area, then Community Work Force Program goals will be applicable.

amount. The contract will be awarded for an aggregate amount up to \$650,000 for a 12-month period.”

The \$650,000 amount was established to accomplish a certain volume of sewer repairs. The lower than estimated unit cost submitted by Envirowaste will allow the Department to repair/rehabilitate a greater quantity of faulty sewers.

- How was the \$650,000 for year one (1) spent? *A total of \$607,677.03 was spent in the original contract.*
- Why is the County recommending an OTR? *The OTR clause states that “Continuation of the contract beyond the initial period is a County prerogative not a right of the bidder. This prerogative will be exercised only when such continuation is clearly in the best interest of the County”. Having the sewer repaired/rehabilitated at prices offered almost 1 ½ years ago with a performing contractor is in the County’s best interest.*
- There were four (4) bids received during the solicitation process. Is this the only firm that can perform this type of work? *This project requires specialized technology to repair/rehabilitate a sewer pipe while in place; Envirowaste is one among a very small number of contractors that has historically bid on this type of work.*

Envirowaste Services Group, Inc.

According to ESG’s website, ESG was founded in 1998 and is located in Dade County.

Prepared by: Michael Amador-Gil