



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Board of County Commissioners**

July 20, 2010

9:30 AM

Commission Chamber

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

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

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

**July 20, 2010**

Written analyses and notes for the below listed items are attached for your consideration:

**Item Number(s)**

14A10, 14A11, 14A13, 14A14, 14A15
14A19

Written fiscal analyses for the below listed items are also attached for your consideration:

**Item Number(s)**

8F1A
8R1A
14A8

If you require further analysis of these or any other agenda items, please contact Guillermo Cuadra, Chief Legislative Analyst, at (305) 375-5469.

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



FISCAL IMPACT ANALYSIS

Agenda Item: 8F1A

File Number: 101709

Type of Item: Resolution

Committee(s)  
of Reference: GOC

Date of Analysis: 7/16/10

Funding Request: \$13,180

<p>Operating <input checked="" type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input checked="" type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input type="checkbox"/></p> <p>_____</p> <p>_____</p>	<p>Capital <input type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p>
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County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

The month-to-month parking license agreement is primarily due to the unknown construction completion date of the Children's Courthouse and the West Lot Garage and office building. The parking agreement cost may exceed \$13,180 annually if construction extends past July 1, 2011. The General Services Administration advised OCA that the expected parking revenue loss will be approximately \$345K in FY 10-11.

Prepared by: Charlie Queen

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
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FISCAL IMPACT ANALYSIS

Agenda Item: 8R1A

File Number: 101760

Type of Item: Resolution

Committee(s)  
of Reference: GOC

Date of Analysis: 7/16/10

Funding Request: Between \$78M - \$120M

<p>Operating <input type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input type="checkbox"/></p> <p>Federal <input type="checkbox"/></p> <p>State <input type="checkbox"/></p> <p>Proprietary <input type="checkbox"/></p> <p>Other (explain) <input type="checkbox"/></p> <p>_____</p> <p>_____</p>	<p>Capital <input checked="" type="checkbox"/> CIP page number <u>N/A</u></p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p> <p>Future Water &amp; Sewer Revenue Bonds</p>
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County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None

If FP&L attains the permits to build the two new nuclear power generation units, the maximum payback to FP&L by the County is estimated at \$120M (\$78M x 4% escalator x 10years). OCA has contacted the Water and Sewer Department to verify the estimated amount of the cost savings in the context of water reuse mandates . As of this date the Department has not responded to inquiries.

Prepared by: Charlie Queen

MIAMI-DADE COUNTY  
BOARD OF COUNTY COMMISSIONERS  
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FISCAL IMPACT ANALYSIS

Agenda Item: 14A8

File Number: 101437

Type of Item: Resolution

Committee(s)

of Reference: Transit, Infrastructure, and Roads

Date of Analysis: 7/16/10

Funding Request: MDT 10-yr Financial Plan

<p>Operating <input checked="" type="checkbox"/></p> <p>Operating Funding Source(s):</p> <p>General Fund <input checked="" type="checkbox"/></p> <p>Federal <input checked="" type="checkbox"/></p> <p>State <input checked="" type="checkbox"/></p> <p>Proprietary <input checked="" type="checkbox"/></p> <p>Other (explain) <input type="checkbox"/></p>	<p>Capital <input type="checkbox"/> CIP page number _____</p> <p>Recurring Estimated Operating Cost \$ _____</p> <p>Capital Funding Source(s):</p>
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County Match required:

Yes  \$ \_\_\_\_\_ % \_\_\_\_\_

No

ISSUES/COMMENTS None  (General Segment)

Transit Development Plan (TDP) update for 2010 includes 10 Year Financial Plan (pages 107-109)

Revenue Highlights:

- Additional 2 Cents LOGT proposed starting 2014 (est. \$10 million)
- Additional GF support (beyond 3.5% MOE) proposed starting 2014 (est. \$43.6 million)
- PTP Surtax increases 5% annually from 2013 - 2020 (Avg Surtax increase from 2004-2009 = < 2%)

Expenditure Highlights:

- Est. operating deficit in 2013 @ \$16.281 million
- CITT staff expenses to remain the same from 2011 – 2015
- Debt Service expenses average annual increase is 23% from 2011-2020

Prepared by: Keith Connor

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



Legislative Notes

**Agenda Item:** 14(A)10, 14(A)11, 14(A)13, 14(A)14, 14(A)15

**File Number:** 101767, 101626, 101718, 101725, 101726

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

**Date of Analysis:** July 16, 2010

**Type of Item:** Contract Award Recommendations and Change Orders

**Summary**

<b>TIRC Items</b>	<b>14A10</b>	<b>14A11</b>	<b>14A13</b>	<b>14A14</b>	<b>14A15</b>
<b>Project No.</b>	TR04-TSB	20100408	20070776	MCC 7360 Plan RPQ 20100429	MCC Plan RPQ 20100428
<b>Vendor</b>	<b>Advanced Transportation Solutions, LLC</b>	<b>Horsepower Electric, Inc.</b>	<b>Kiewit Southern, Co.</b>	<b>AGC Electric, Inc.</b>	<b>AGC Electric, Inc.</b>
<b>Contract Award Amount</b>	\$239,460,000 Awarded	\$4,096,911.68 Recommended	\$4,271,626.10 Awarded	\$885,000 Recommended	\$885,000 Recommended
<b>Change Order Request</b>	\$20,460,000 Recommended and 6-month contract extension	Not Applicable.	\$2,424,010.40 and 210 Calendar day extension	Not Applicable.	Not Applicable.
<b>Open Violations</b>	No open violations, however an investigation was conducted. See below.	None.	None.	None.	None.
<b>Make-Up Plan</b>	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.	Not Applicable.

**Item 14(A)10 – Contract Modification for Paratransit Transportation Services**

This resolution authorizes modification for Contract No. TR04-TSB for additional time and spending authority in the amount of \$20.460 million for the Miami-Dade Transit Department (MDT) to continue to purchase demand response paratransit transportation services from Advanced Transportation Solutions, LLC.

This contract has been extended once before through **Resolution 177-10**, on February 18, 2010. Through R-177-10, the Board authorized additional time (6 months) and spending authority (\$20.09 million) to provide continuity of services until a replacement contract was awarded by the County.

### **Background**

In 1976, the County implemented the plan to contract with private sector transportation providers for a paratransit component to the County's transit system. MDT created a Special Transportation Service (STS) section to provide door-to-door transportation for disabled individuals unable to use conventional transportation. Private, non-profit and governmental agencies (e.g. Medicaid) in need of transportation services for their clientele had the option of providing transportation service by contracting through MDT<sup>1</sup>.

Florida Statutes Chapter 427 specifies the provisions under which the County provides transportation services to disabled individuals to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators for the transportation disadvantaged without any bias or presumption in favor of multioperator systems or not-for-profit transportation operators over single operator systems or for-profit transportation operators.<sup>2</sup>

Miami-Dade Transit (MDT) coordinates the STS in compliance with the complementary paratransit service provisions of the Americans with Disabilities Act (ADA) of 1990.

Currently, STS can be used throughout most of urbanized Miami-Dade County, and some parts of southern Broward and northern Monroe Counties. STS is available for people with an intellectual, mental, or physical disability who cannot ride Metrobus, Metrorail, or Metromover. STS offers transportation for the disabled community for work, school, shopping, recreation, medical appointments, and other needs. STS operates 24 hours a day, seven days a week, including most holidays.

The current STS contract provider is Advanced Transportation Solutions, which was awarded the five-year contract in 2004. The original contract value was \$219 million, and funded by MDT's operating budget. The contract period was from December 29, 2004 through December 28, 2009. The contract was subsequently extended by R-177-10 by \$20.09 million which resulted in the current contract amount of \$239,460,000.

### **Investigation**

According to an affidavit in support of an arrest warrant filed in Miami-Dade County Court, ATS was alerted to an irregularity in the STS on-line trip itinerary system on July 24, 2007. The company was called by an STS user, Nancy Pichardo, who stated that the on-line system listed STS trips that she did not schedule or take. The company then hired a private investigative firm to conduct an internal investigation into the allegations.

The company found that one supervisor, who had log-in and password access to the STS scheduling program, had created false trips for various STS riders and would give the assignments to a drivers who

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<sup>1</sup> According to the 2006 to 2009 Miami-Dade County Transportation Disadvantaged Service Plan and Resolution No. 341-08, the contract to provide Medicaid Non-Emergency Transportation is between LogistiCare, Inc, and the Florida Commission for the Transportation Disadvantaged (CTD). On January 1, 2008, LogistiCare began operating the Medicaid transportation service under direct contract with CTD.

<sup>2</sup> Section 427.013 of the Florida Statutes.

would then falsify trip manifests to verify that the trips had occurred. The supervisor had nearly unrestricted access to the County's Trapeze system. The Trapeze system is the software used by the County to schedule STS services.

Ultimately, an investigation conducted by the Miami-Dade Police Department resulted in 16 arrests of individuals who worked under the STS contract.

**Prepared by:** Jason T. Smith



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



Legislative Notes

**Agenda Item:** 101515 & 101769

**File Number:** 14A19; Supp No. 1; and Supp No. 2

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

**Date of Analysis:** July 12, 2010

**Type of Item:** Modification of Contract

**Summary**

This resolution approves Modification of Contract No. BW7514-15/24-2 for additional spending authority for the Miami-Dade Fire Rescue (MDFR) and Enterprise Technology Services (ETSD) departments to purchase a new Microwave Radio Communication System and purchase additional equipment, parts, and services necessary to stabilize and upgrade the 450 MHz Ultra High Frequency (UHF) Radio System (System).

*This resolution authorizes waiver of formal bid procedures for a non-competitive contract modification for the above referenced contract.*

If authorized, the additional \$9,621,000 will be allocated for the following:

- Completion of Phase two (2) UHF Implementation
- Microwave Communication System
- Radio Consoles equipment, parts, and services for the LightSpeed Facility.

**On July 15, 2010, the Health, Public Safety and Intergovernmental Committee members amended the proposed resolution to include supplemental information showing a breakdown of what are the essential costs, associated costs, and all available options for the July 20, 2010, Board of County Commissioners meeting.**

**Legislative History**

On April 22, 2003, the Board of County Commissioners (BCC), through Resolution 394-03, directed the County Manager to immediately begin negotiations for the purchase of a Motorola 450 MHz Radio System for MDFR and if successful to recommend for a bid waiver to accomplish the purchase. MDFR and ETSD immediately began working with Motorola on designing the system. Upon design completion in late November 2003, the negotiations began between the County, including representatives of MDFR, ETSD, County Attorney's Office (CAO) and Department of Procurement Management (DPM), and **Motorola, Inc.**

On April 13, 2004, the BCC, through Resolution 457-04, approved a contract with Motorola, Inc. to upgrade the 450 MHz UHF radio system totaling \$19,146,729 for a five year period. The contract allowed MDFR to stabilize, upgrade and expand the 450 MHz UHF system.

On January 28, 2010, the BCC, through Resolution 83-10, approved a **settlement agreement<sup>1</sup> with Nextel South Corp. (Nextel) and the Radio Communication System Purchase Contract Agreement (RCSPC) with Harris Corporation (Harris)** in an amount not to exceed \$38,600,000. The resolution waived formal bid procedures, and approved the Frequency Reconfiguration and Settlement Agreement (FRSA) with Nextel and Harris. This allowed the County to vacate radio frequencies consistent with a Federal Communication Commission (FCC) mandate, and to acquire a new radio system that will operate under new frequencies.

Through this settlement, in addition to complying with FCC mandates, the County will receive a new system that meets its requirements for interoperability and reliability. The rebanding effort as required by FCC and the ensuing agreements provide the County with a system that has an estimated market value of \$165,000,000 which also addresses public safety radio replacement needs. However, the County is only responsible to pay \$25,000,000 under the agreement with Harris.

As part of the settlement under the FRSA, **Nextel** will provide up to 24,000 new radios, to replace existing radios, with an estimated market value in excess of \$90,000,000. The remaining radios in the inventory, approximately 6,000, do not need to be replaced.

- **The allocation requested under the RCSPC with Harris is \$35,000,000** (options-to-renew the estimated total value of the contract is \$38.6 million based on a fixed amount of \$1.2 million per OTR), and covered the following:
  - 1) Acquisition of new radio system infrastructure at a cost of \$25,000,000.
  - 2) **Two (2) options to acquire adjunct radio systems under this contract (Reso No. 83-10), one to acquire a new microwave infrastructure to support the new P25 radio system at a cost not to exceed \$3,000,000, and the other for a new OpenSky communication system for Miami-Dade Transit (MDT) at a cost not to exceed \$4,000,000. While a new microwave system is a requirement to implement the new P25 radio system, the County would like to explore other alternatives in the market place prior to exercising the option under this contract.**
  - 3) The balance of the allocation under the RCSPC, \$3,000,000, which will only be accessed subject to budget appropriations, will support the current system as necessary during the implementation and transition to the new system, including emergency services, through the five year term of the contract.

The contract included two (2) optional purchases. One (1) of those options included an amount not to exceed \$3 million to purchase a Microwave System that would replace the current legacy system (800 MHz). This would be a necessary component to implement the new radio system; however the County investigated alternate procurement options prior to exercising this option.

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<sup>1</sup> *Angel Petisco, Director of the Enterprise Technology Services Department, explained that the County Administration met with Nextel representatives and they had a fundamental disagreement on the methodology for the reband. He clarified that the fundamental disagreement was that Nextel was unable to reband the County radios using its standard methodology without the County radio system going down, and a down radio system would disrupt the delivery of public safety services.*

*Mr. Petisco explained that this fundamental disagreement led to the FCC placing the County and Nextel in supervised mediation in October 2008. He noted the County and Nextel reached a tentative agreement in July 2009 that Nextel would provide the County with an interim radio system that would allow the County's radio system to be reconfigured to move radios from the old system to the new system during the four year reconfiguration process.(Minutes from the January 28, 2010 BCC meeting)*

### Proposed Legislation

*According to the proposed resolution, the acquisition of the Microwave System with **Motorola, Inc.**, which will support both the Miami-Dade Fire Rescue Department 450 MHz UHF and the 800 MHz radio systems, will provide performance improvement, a much higher degree of reliability particularly with the 450 Mhz UHF system that presently relies on leased circuits, and enable the County to meet its obligation to upgrade and reband the 800 MHz Radio System pursuant to the recent rebanding and Radio System Purchase Agreement. (See hwpg 4 FCC Mandate Order No. FCC-04-168)*

**The proposed Microwave System Supplemental Agreement would allow for the County to satisfy the Microwave requirement for the 800Mhz reband project and provide for a Microwave System for the 450Mhz UHF system and leverage economies of scale thereby saving the County an estimated \$900,000 by combining both radio system requirements onto a single microwave infrastructure. (See breakdown below)**

800 MHz standalone:	\$3.0 million
450 MHz standalone:	<u>\$3.8 million</u>
Total	\$6.8 million

Combined cost for the Microwave System:	<u>\$5.9 million</u>
<b>Savings</b>	<b>\$900,000</b>

Source: ETSD

### **Microwave System Replacement Contract Highlights, June 3, 2010 (Supplemental Agreement No. 1)**

- Motorola, Inc. (Motorola) understands that the County has no further funding for this project. In the unlikely event interference creates a problem; Motorola will propose alternate solutions within the approved funding. (See Section 1.1)
- The County is responsible for any upgrade necessary for towers or sites. There are three sites that Miami-Dade County is in the process of upgrading. The three sites are: Miccosukee, Telecommunications Control Center and Interama. (See Section 1.1.4)
- Training is included in the proposal. (See Section 1.1.6)
- Motorola understands the County will not accept additional cost change orders, therefore in the unlikely event a modification to the proposal is needed in order to overcome an obstacle beyond control, Motorola will work with Miami-Dade County and mutually alter the scope. (See Cost Management 2.3.3)
- Motorola's Project Manager and Lead Engineer will continue to have these individuals assigned to the project, as long as it is feasible for Motorola and for the individual, for one year. (See Sections 2.3.7.1 and 2.3.7.2)
- Motorola will work with the County to identify any mutual radio interference. Any costs associated with site changes and/or delays; including, but not limited to, reengineering, frequency re-licensing, site zoning, site permitting, schedule delays, site abnormalities, re-mobilization, due to the site being unusable for any frequency issues outside of Motorola's control will be adjusted through the Change Order process (See Interference 2.5.1.3)
- Motorola has not included site improvements in the core of this proposal. Should any site improvements be required, this Statement of Work will be updated via the Change Order process. (See Section 2.6)
- The County should provide reasonable access to all County-owned or leased work sites. Access may be needed 24 hours a day during the course of this project.(See Section 2.6.1)
  - **Question:** Does this contract require funding for overtime expenditures?

- County representatives are welcomed to be present during testing period to witness each of the tests. (See Section 2.7.5)

#### **Dispatch Center Consoles, March 24, 2010**

- The program consist of one (1) year parts and labor warranty, and preventive and emergency maintenance services, which are detailed in the proposal. This program combines the services of the local system service team, local subcontractor team, and the national service team. (See Section 4.2)

#### **The following information was provided by ETSD staff:**

- **Operating and Maintenance Cost for ETSD**  
The microwave system comes with one (1) year of warranty. Once warranty expires, ETSD staff will maintain the system as they currently do with the present microwave system including having stock equipment (crash kit) to repair outages. The current annual maintenance cost of the existing system, which has been in operation for over 15 years, is approximately \$25,000.
- **Monetary Responsibility from Municipalities**  
There is no planned chargeback or reimbursement from the municipalities. The microwave system is a transport component of the 800 MHz system which the municipalities are already paying for through the Ticket Surcharge.
- **Usage by Neighboring Counties (Broward, Palm Beach, Monroe etc.)**  
As part of the County's Interoperability plans, the new Microwave system could be utilized to carry audio communications for other radio systems which interoperate with the County's 800 MHz radio system.
- **Testing and Results**  
This is public safety grade Microwave technology with a dual backup network and redundant components. Microwave systems are the standard for public safety communications between two points. The system the County is acquiring takes advantage of advance network capabilities and designed to work with radio systems such as the Motorola UHF 450 MHz system and the Harris 800 MHz P25 system presently being installed. In addition, the contract for this project contains terms and conditions of performance that protect the County and it has been reviewed for legal sufficiency by the County Attorney's office.
- **Other Jurisdictions**  
As current users of microwave technology, ETSD relies on microwave to connect 800 MHz sites and staff has examined thoroughly the technology the County is acquiring. Locally, there are several jurisdictions that utilize microwave technology including State of Florida, City of Miami, City of Miami Beach, Broward County and Monroe County. Because of the requirements to keep these systems operating, the County maintains an open dialogue regarding microwave related matters with these entities.

**Prepared by:** Michael Amador-Gil