



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Regional Transportation  
Committee**

May 9, 2011

9:30 A.M.

Commission Chamber

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

**Legislative Notes  
Regional Transportation Committee  
Meeting Agenda**

**May 9, 2011**

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

**Item Number(s)**

1F4
3(H)
3(I)

Acknowledgements--Analyses prepared by:  
Elizabeth N. Owens, Legislative Analyst  
Michael Amador-Gil, Senior Legislative Analyst

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



Legislative Notes

**Agenda Item:** 1(F)4  
**File Number:** 110910  
**Committee(s) of Reference:** Regional Transportation Committee  
**Date of Analysis:** May 5, 2011  
**Type of Item:** Grant Application

**Summary**

This resolution authorizes the following actions for costs related to the construction of a pedestrian overpass at the University Metrorail Station (Project):

- Filing of a grant application for fiscal year (FY) 2011, §5307 - Congestion Mitigation Air Quality (CMAQ) flexible funding with the United States Department of Transportation Federal Transit Administration (FTA) in the amount of \$3.862 million;
- Execution of the grant agreement pursuant to such application;
- Receipt and expenditure of funds pursuant to such application and agreement;
- Receipt and expenditure of any additional agreement funds should they become available; and
- Use of State Toll Revenue Credits (TRC) totaling \$965,500 to serve as a “soft match” for this Project.

According to the County Manager’s memo, funding applied for through the FTA Urbanized Area Formula Grant Program (§5307) can be utilized towards planning, design, permit costs, right-of-way engineering/acquisition, utility relocation, construction, and design services during construction of the Project.

**Budgetary Impact**

This Project is estimated to cost approximately **\$6.267 million**, of which \$1.405 million will be from Surtax funds. Funding for the construction of this Project includes:

- \$1 million in State funding (R-314-11)
- \$1 million local match provided through Surtax funds (R-85-11)
- \$3.862 million in FTA grant (this item)
- ***\$405,000 from prior PTP funds issued to complete the planning phase (\$750,000 - \$345,000 in reimbursed funds).***

### Surtax Funds and Current Status

Of the \$315,787 in Surtax funds to H.J. Ross Associates approved under Resolution No. 230-07, according to MDT, approximately \$136,235 has been expended for biddable construction documents for activities such as public involvement, coordination with the City of Coral Gables/Board of Architects, and some other ancillary activities like TARC presentations.

Concurrent with this process, MDT completed the re-evaluation of the Categorical Exclusion (CE) determination originally made by the FTA on November 30, 2007, and submitted the CE determination to the FTA for their concurrence. On February 28, 2011, the FTA concurred with the re-evaluation of the CE determination, thus updating MDT's compliance with the National Environmental Policy Act (NEPA).

According to MDT, Miami-Dade County is currently in the process of applying for the Federal and State funds to continue with the design and construction of this Project.

***In regards to the temporary suspension of federal grants to MDT, FTA is allowing MDT to submit necessary documentation to authorize formal grant awards for projects such as the University Overpass and the Quail Roost Park and Ride, which will preserve the funding.<sup>1</sup> Currently, FTA is considering a limited drawdown status for MDT, as MDT addresses the eight action items.<sup>2</sup> To date, however, there is no official word in regards to lifting the suspension.<sup>3</sup>***

### **Background and Relevant Legislation**

On November 5, 2002, the Miami-Dade County electorate approved a ½ percent increase in the sales tax to fund the implementation of the People's Transportation Plan (PTP). On July 29, 2003, the Citizens' Independent Transportation Trust (CITT) recommended the inclusion of the Project to the list of Capital Improvement Projects included as part of the PTP. Provided below, is the Board of County Commissioners (BCC) legislative history for this Project.

<u>Date</u>	<u>Resolution</u>	<u>Legislation</u>
Oct. 9, 2003	R-1154-03	The BCC approved the inclusion of the Project to the PTP.
Mar. 6, 2007	R-230-07	The BCC authorized the execution of a Professional Services Agreement (PSA) between Miami Dade County and H.J. Ross Associates, Inc. to design and prepare a set of biddable construction documents for two (2) pedestrian overpasses: South Miami and University Metrorail Stations in a total amount not to exceed \$781,650. The estimated costs and funding source for each project is as follows:

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<sup>1</sup> County Manager memo dated March 31, 2011.

<sup>2</sup> Chairman letter to FTA dated May 3, 2011.

<sup>3</sup> As relayed in a conversation with the County Manager's office on May 5, 2011.

Date

Resolution

Legislation

- University Metrorail - \$315,787 in Charter County Transit Surtax; and
- South Miami - \$465,864 in Federal Transit Administration funds.

According to Miami-Dade Transit (MDT), the existing PSA with H.J. Ross is in effect until April 2012. Once the federal funds are awarded later this year, H.J. Ross will resume design of the Project. Since the suspension of work lasted 2 ½ years, MDT will need to go back to the BCC for a supplemental agreement to add contract time and exercise the option for design services during construction. Currently, the construction is projected to end December 2013.

Nov. 6, 2007      R-1218-07      The BCC approved the execution of a Joint Participation Agreement (JPA) with the FDOT to provide State funds in the amount of \$2.045 million for the Project. The funding was programmed in FY 2010 for \$1 million and FY 2011 for \$1.045 million. Resolution No. 1218-07 also committed up to \$2.045 in Charter County Transit System Surtax Funds as a local match.

Jan. 10, 2008      R-38-08      The BCC authorized the acquisition of land and temporary construction easement needed for this Project.

The Project required a partial taking of approximately 1,364 sq. ft. parcel and 2,052 sq. ft. temporary construction easement from a 137,991 sq. ft. parent tract located at 1250 South Dixie Highway. However, due to fiscal challenges and FDOT's reduction in several million dollars in State Block Grant funding, the Project was placed on-hold indefinitely in September 2008 at approximately 45% completion final design phase.

Subsequently, in 2009, MDT de-funded the Project due to local fiscal constraints. To preserve the State funding, the \$1 million was re-programmed to the Earlington Heights/Miami Intermodal Center Connector project and the Project was removed from the FY 2010-11 Capital budget.

In 2010, MDT re-programmed \$3.862 million in federal funds to this Project from three other pedestrian overpasses which will not be constructed. On October 21, 2010, the Metropolitan Planning Organization (MPO) and the State amended and approved the FY 2011 Transportation Improvement Program (TIP) and State Transportation Improvement Program (STIP) to include this Project (MPO Resolution No. 36-10). This Project is also included in the proposed Capital budget for FY 2011-12.

On February 1, 2011, the BCC through Resolution No. 85-11, authorized staff to apply \$1 million in Charter County Transportation Surtax (Surtax) Funds towards the design and construction of this Project.

On May 3, 2011, the BCC under Resolution No. 314-11, approved the execution of a JPA with FDOT to provide State funds in the amount of \$1 million for this Project. This JPA is a multi-year agreement, which will provide State funding in the amounts of \$750,696 in FY 2011, \$48,902 in FY 2012, and \$200,402 in FY2013 for a total of \$1 million. The local match in Surtax funds was approved under Resolution No. 85-11.

### **Questions**

*(Responses provided by MDT)*

In regards to the temporary suspension of federal grants to MDT, if the FTA funds are not available, what are the alternatives to make up the \$3.862 million in federal funding for this Project?

- Assuming the County would still like to move forward with this project, MDT would need to re-prioritize other projects and/or search for other funds, including contributions from Coral Gables and the University of Miami.

With the possibility of funding issues, is the December 2013 completion date a reasonable projection?

- If the FTA grant is awarded and the suspension is lifted by this summer, the December 2013 is aggressive but attainable. Any delay beyond this summer will have an equal delay in the project schedule.

What other components are still pending for this Project?

- Once the FTA grant is awarded and the suspension lifted, MDT will need to finalize design, purchase right-of-way, and construct the Project.

**Prepared By:** Elizabeth N. Owens

**MIAMI-DADE COUNTY  
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Legislative Notes

**Agenda Item:** 3(H)  
**File Number:** 110911  
**Committee(s) of Reference:** Regional Transportation Committee  
**Date of Analysis:** May 3, 2011  
**Commission Districts:** Countywide  
**Type of Item:** Interdepartmental Agreement

**Summary**

This resolution authorizes an Interdepartmental Agreement between Public Works Department (PWD) and the Miami-Dade Community Action Agency (CAA/GMSC)/Greater Miami Service Corps (GMSC). The Agreement allows for the use of County funds, not to exceed \$1 million, issued in work orders up to \$200,000 each, for the construction of sidewalk improvements, *and is funded by Quality Neighborhoods Improvement Program (QNIP) funds from the respective Commission Districts or any other eligible and available funding sources.*

According to the Manager's memo, the Agreement is for a period of two (2) years; however, it may be administratively extended for an additional 180 calendar days after its expiration date.

**Quality Neighborhoods Improvement Program**

According to the Office of Capital Improvements (OCI) website, QNIP funds capital infrastructure projects in unincorporated Miami Dade County. Since 1999, the County has issued Florida Public Service Tax Revenue Bonds Unincorporated Municipal Service Area (UMSA Public Improvements), for what has become known as QNIP projects in each of the County's 13 Board of County Commission (BCC) districts.

Projects include sidewalk installation, drainage improvements, roadway resurfacing and park facility improvements. The program is managed by the OCI which works with County Commission district staff to identify and prioritize neighborhood infrastructure needs.

**Background and Relevant Information on GMSC**

The BCC, through R-1046-89 authorized Miami-Dade County to apply for, receive, and expend Urban Corps Expansion Project funds to *establish* the GMSC. GMSC was incorporated to create and implement a youth corps program and seek the assistance of Miami-Dade County in carrying out this program.

Pursuant to R-175-93, Miami-Dade County entered into a retroactive *Cooperative Agreement* between Miami-Dade County's CAA and GMSC, that GMSC, through the CAA, will receive the following reimbursable and management support services:

- Personnel and personnel services

- Fiscal services (procurement, accounting, reporting, and funds custody)
- Reimbursable participation in the County's general liability self-insurance program
- Access to GSA services

The terms of the Cooperative Agreement mentioned above became effective October 1, 1991, and continued through September 30, 1993. This agreement may be renewed each year, for one year periods, subject to the approval by the County and GMSC.

### GMSC Program Highlights

The GMSC operates under the auspice of the CAA. GMSC provides out-of-school young people with the resources and services necessary to transition to independence and self-sufficiency. Program emphasis is placed on preparing young people to enter the workforce through education, work experience, internship, job placement and post-program follow-up to placement retention.

- GMSC's mission *is to enhance the employability and self-esteem of young adults ages 18-23, through public/private ventures which provide work projects and education that result in tangible community improvements and a skilled workforce.*
- Services are provided to out-of-school youth who are either unemployed or underemployed; a high school graduate or dropout; basic skills deficient; single parents; and non-custodial parents or youth with prior criminal history.
- GMSC has two locations, 810 Northwest 28th Street in Allapattah, and 15355 Harding Lane in Leisure City.

### Legislative History

A cursory review of the legistar system shows the following legislation pertaining to GMSC:

BCC Approval Date	Legislation
R-364-97  <b>Final Action 4/8/97</b>	RESOLUTION DIRECTING THE COUNTY MANAGER TO ENTER INTO A CONTRACTUAL AGREEMENT WITH THE GREATER MIAMI SERVICE CORPS TO OPERATE A 'ZERO TOLERANCE' GRAFFITI PROGRAM (THIS ITEM IS SET FOR 10:00 A.M.) [SEE AGENDA ITEM NOS. 4C, 4C SUBSTITUTE, 4D, 4E,6D2, 6D3, 7A4]
R-65-00  <b>Final Action: 1/25/00</b>	RESOLUTION OF MIAMI-DADE COUNTY AUTHORIZING WAIVING BID PROTEST AND COMPETITIVE BIDDING PROCEDURES AND AUTHORIZING THE COUNTY MANAGER TO EXECUTE A SUBGRANT AGREEMENT WITH THE GREATER MIAMI SERVICE CORPS, INC. FOR A GRANT TO COMPLETE BUILDING IMPROVEMENTS AT LEISURE PARK
R-1413-00  <b>Final Action: 12/19/00</b>	RESOLUTION AUTHORIZING THE COUNTY MANAGER TO EXPEND QUALITY NEIGHBORHOODS IMPROVEMENT PROGRAM (QNIP) FUNDS THROUGH INTERDEPARTMENTAL AGREEMENTS WITH THE COMMUNITY ACTION AGENCY/GREATER MIAMI SERVICE CORPS TO ACCOMPLISH SIDEWALK WORK
R-877-03  <b>Final Action: 7/22/03</b>	RESOLUTION AUTHORIZING THE COUNTY MANAGER TO RETROACTIVELY CONTINUE TO EXPEND QUALITY NEIGHBORHOODS IMPROVEMENT PROGRAM (QNIP) FUNDS AND OTHER APPROPRIATE FUNDING SOURCES THROUGH INTERDEPARTMENTAL AGREEMENTS WITH THE COMMUNITY ACTION AGENCY/GREATER MIAMI SERVICE CORPS FOR SIDEWALK INSTALLATION AND CONCRETE RELATED REPAIRS
R-1176-06  <b>Final Action: 10/10/06</b>	RESOLUTION AUTHORIZING AN INTERDEPARTMENTAL AGREEMENT, BY AND BETWEEN MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT AND THE MIAMI-DADE COMMUNITY ACTION AGENCY/GREATER MIAMI SERVICE CORPS (CAA/GMSC) ALLOWING COUNTY FUNDS, NOT TO EXCEED \$1,000,000, AND TO BE ISSUED IN INCREMENTS OF UP TO \$200,000 FOR THE CONSTRUCTION OF NEW SIDEWALKS
R-922-09  <b>Final Action:</b>	RESOLUTION AUTHORIZING AN INTERDEPARTMENTAL AGREEMENT, BY AND BETWEEN MIAMI-DADE COUNTY PUBLIC WORKS DEPARTMENT AND THE MIAMI-DADE COMMUNITY ACTION AGENCY/GREATER MIAMI SERVICE CORPS (CAA/GMSC), AND ALLOWING COUNTY

7/2/09	FUNDS, NOT TO EXCEED \$1,000,000.00 AND TO BE ISSUED IN INCREMENTS OF UP TO \$200,000.00, FOR THE CONSTRUCTION OF NEW SIDEWALKS
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**In response to questions posed by the Office of the Commission Auditor pertaining to the GMSC contract, PWD staff provided the following information:**

- Why does PWD handle this program? *Since PWD is charged with the construction and maintenance of sidewalks supported by various funding sources, this Agreement is a vehicle for the CAA/GMSC program which provides training for young adults in the construction field.*
- How much has been expended since FY2005 for this CAA/GMSC Program? *In the past six years, work has been issued in the amount of \$2,166,240.49*
- Which BCC districts were identified? *Countywide*
- Please identify whether these funds are general fund or individual BCC district funds? *The agreement allows the use of any appropriate fund for the repair/construction of sidewalks. However, to date Commission District QNIP funds have been used.*
- When were commissioners's made aware of the availability of this program? *This program has been implemented and used by various Commission Districts since December 19, 2000, when the Board adopted R-1413-00 authorizing the County Manager to expend Quality Neighborhoods Improvement Program (QNIP) funds through an interdepartmental agreement with the CAA/GMSC to accomplish sidewalk work.*
- Have all the projects for the listed BCC districts in R-922-09 been completed? *All the work issued as part of this agreement was completed. A total of 4 work orders were issued. Their performance was satisfactory according to our project manager.*

**The additional questions below were posed to staff; however, staff did not provide responses by time of the Office of the Commission Auditor's printing deadline.**

- To date, how many clients have been trained and placed in employment or educational opportunities?

**Prepared by:** Michael Amador-Gil

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Legislative Notes

**Agenda Item:** 3(I)  
**File Number:** 110944  
**Committee(s)  
of Reference:** Regional Transportation Committee  
**Date of Analysis:** May 4, 2011  
**Commission District:** 11

**Summary**

This resolution approves a Contract Award recommendation in the amount of \$96,454.11 between Southeast Underground Utilities Corp. (Southeast) and Miami-Dade County for the People's Transportation Plan (PTP) Project Entitled Guardrail Installation Project, located within Commission District 11 (Project MCC 7360 Plan – CICC 7360-0/08, RPQ No. 20110009).

Public Works Department (PWD) staff reviewed Southeast's Firm History Report in the Office of Capital Improvements (OCI) database, and found 16 awarded construction contracts and 16 contractor performance evaluations with an overall performance rating of 2.7.

According to the Manger's memo, Although Southeast's performance evaluation rating is listed as guarded; the evaluations reflect satisfactory performance ratings (3.0) for technical skill, quality of work, and cost effectiveness and efficiency.

- *According to PWD staff, the guarded ratings resulted from a deficiency in coordination and communications with project managers. Overall, Southeast Underground Utility has produced good work, but they haven't been consistent in their scheduling or communications with the PWD Traffic Signal project managers.*

**Background and Relevant Information**

PWD staff utilized the Miscellaneous Construction Contracting (MCC) process, available under the MCC 7360 Program. PWD forwarded the Request for Price Quotation (RPQ), by way of facsimile transmission, to a pool of firms that have registered with the Office of Capital Improvements (OCI). Additionally, PWD advertised the project in the Daily Business Review and all solicitations are available on-line through the Miami-Dade County portal under the "Procurement Solicitations" link.

On January 20, 2011, PWD forwarded an RPQ for the PTP Guardrail Installation Project, utilizing the OCI contract MCC 7360 Plan, to a list of 255 pre-registered firms. A total of ten (10) firms purchased contract documents and four (4) firms proffered a bid.

On February 25, 2011, Southeast Underground Utilities Corp. proffered the lowest bid.

### CSBE and CWP Measures

On September 9, 2010, the referenced project was reviewed by the Department of Small Business Development's (SBD) Review Committee. The Review Committee *recommended no measures for the Community Small Business Enterprise (CSBE) participation and the Community Workforce Program (CWP)*.

- According to PWD staff, the RC did not recommend measures because the installation of the guardrail is considered a single trade, meaning there is no work to subcontract, and SBD found there was not enough availability for this to be a set-aside contract.
- The CWP was not recommended because the CWP goal is only applied when the work identified is located within a Designated Target Area.

### Additional Information

The locations of the work to be performed under this contract are along the following Miami-Dade sites:

Location of Work	BCC District
West Meadow Lake-Drive & S.W. 47 <sup>th</sup> Street	11
S.W. 47 <sup>th</sup> Street & East Meadow Lakes Drive	11
S.W. 47 <sup>th</sup> Street & S.W. 140 Court	11
S.W. 138 <sup>th</sup> Avenue & S.W. 47 <sup>th</sup> Street	11
S.W. 142 <sup>nd</sup> Avenue & S.W. 74 <sup>th</sup> Terrace to S.W. 74 <sup>th</sup> Street	11
North Meadow Drive & S.W. 153 <sup>rd</sup> Court.	11

Source: PWD

Prepared by: Michael Amador-Gil