



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Transit, Infrastructure & Roads
Committee

June 9, 2010

2:00 P.M.

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
Transit, Infrastructure & Roads Committee
Meeting Agenda**

June 9, 2010

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

Item Number(s)

2A
3A, 3B, 3C, 3D, 3E, 3F
3G, 3H, 3I, 3J, 3K, 3L, 3M, 3N, 3O, 3P, 3Q, 3R, 3S
3T, 3U, 3V, 3W, 3X

Written fiscal analysis for the below listed item is also attached for your consideration:

Item Number(s)

3Z
3AA
3BB
3DD

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

Acknowledgements--Analyses prepared by:
Jason T. Smith, Senior Legislative Analyst
Michael Amador-Gil, Senior Legislative Analyst

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



Legislative Notes

Agenda Item: 2(A)
File Number: 101084
Committee(s) of Reference: Transit, Infrastructure & Roads
Date of Analysis: June 7, 2010
Type of Item: Significant Modification to Building Better Communities General Obligation Bond Program

Summary

This item approves the significant modification to Project No. 293 of the voter-approved Building Better Communities General Obligation Bond Program (BBC-GOB). This amendment would dedicate \$1 million to the Curtiss Mansion rehabilitation project from the BBC-GOB-based Historic Preservation Fund. The Historic Preservation Fund is capped at \$10 million, of which \$3 million has been allocated to the preservation of Miami Marine Stadium.

This item would also waive the Administrative Rules governing the GOB program that contemplate a competitive process in awarding of Historic Preservation funds.

Background and Relevant Legislation

BBC-GOB Project No. 293 created a \$10 million Historic Preservation Fund “to make an impact in the revitalization of historic buildings at the neighborhood level, particularly designated historic districts and other areas having a high concentration of older buildings.” (Page 9, Appendix A, Resolution R-919-04.) Originally, the Office of the Historic Preservation would make available up to \$1 million annually grants and loans between \$25,000 and \$250,000 from the fund.

On April 6, 2010, the Board of County Commissioners approved a significant modification to Project 293 dedicating \$3 million from the Historic Preservation Fund to the restoration of the Miami Marine Stadium. (Resolution R-328-10.)

Curtiss Mansion

BBC-GOB Project No. 271 awarded \$1 million to the Curtiss Mansion restoration project. The funds were used to preserve the shell of the building which was built in 1925. (Page 5, Appendix A, Resolution R-919-04.) The project is intended to convert the mansion into an educational and research center on the history of aviation, visitors’ attraction and historical museum.

According to staff, the additional funds would be used for the renovation of the inside of the Curtiss Mansion.

Administrative Rules

The BBC-GOB program as created by Ordinance 05-47, is administratively governed by the Building Better Communities Administrative Rules. (Page 2, Building Better Communities Administrative Rules, Rev. 1/07.) The rules are intended to create a competitive process by which funding is allocated.

According to the Administrative Rules, recipients of Historic Preservation funds must apply for funding during a funding cycle. Following closure of an application submission period, the County Manager will review and evaluate each Funding Application Package for funding eligibility or ineligibility. According to the Rules, the County Manager may use the Dade Heritage Trust and the Historic Preservation Board to vet the applicants.

This proposed resolution would waive the provisions of the Administrative Rules.

Policy Change

This item would constitute a significant modification to the BBC-GOB program by adding an additional allocation of \$1 million to the Curtiss Mansion project. This item would waive the Administrative Rules of the BBC-GOB which are intended to create a competitive process for the allocation of Historic Preservation Funds.

Prepared by: Jason T. Smith

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



Legislative Notes

Agenda Item: 3(A) through 3(F)
File Numbers: 101344, 101345, 101346, 101347, 101348, 101349
Committee(s) of Reference: Transit, Infrastructure & Roads Committee
Date of Analysis: June 7, 2010
Type of Item: Resolutions Authorizing Land Acquisition

These items authorize the acquisition of certain parcels of land which the County has declared to be required for construction of certain public infrastructure improvement projects.

Item No.	Commission District	Parcel(s)	Project Description
3A	9	Parcel 1	This land is needed for right-of-way for roadway improvements to S.W. 176 Street from U.S. 1 to S.W. 107 Avenue.
3B		Parcel 2	
3C		Parcel 3	
3D		Parcel 4	This project is listed in Exhibit 1 of the People’s Transportation Plan as a Board-requested Major Roadway and Neighborhood Improvement Project.
3E		Parcel 5	
3F		Parcel 6	

Background and Relevant Legislation

The Florida Constitution, State Statutes and the Home Rule Charter of Miami-Dade County authorize the Board of County Commissioners to initiate the taking of property through eminent domain proceedings. See Chapters 73, 74, 125, 127 and 341, Florida Statutes; and §§1.01(A)(1)(2) and (21) of the Home Rule Charter of Miami-Dade County, Florida.

Policy Change and Implication

These resolutions to acquire land are consistent with current County and State policy regarding land acquisition.

Budgetary Impact

The fiscal impact to the County has been budgeted at \$5,815,00 and will be funded by “future” Charter County Transit System Surtax bond funds. However, these items only authorize the acquisition of certain parcels by donation, purchase or by eminent domain proceedings. The true fiscal impact to the County will be quantified once the County enters into negotiations with the owners of the parcels.

Once completed, operation and maintenance of this project is estimated at \$9,000 per year.

The item states that this project will be funded by “future” County Transit System Surtax bond funds.

When will the next tranche of Surtax bonds be sold to fund this project?

Prepared by: Jason T. Smith

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



Legislative Notes

Agenda Item: 3(G) through 3(S)

File Number: 101398, 101392, 101389, 101385, 101384, 101382, 101381, 101379, 101377, 101393, 101397, 101399, 101401

Committee(s) of Reference: Transit, Infrastructure & Roads Committee

Date of Analysis: June 7, 2010

Type of Item: Resolution to acquire land

Summary

These items authorize the acquisition of certain parcels of land which the County has declared to be required for construction of certain public infrastructure improvement projects.

Item No.	Commission District	Parcels	Project Description
3G	9	100A	This land is required to build a new Park and Ride facility at the Southern end of the Busway extension to be located at Southwest 344 Street between N.W. 2 Ave. and N.W. 3 Ave. in Florida City.
3H		100B	
3I		101	
3J		102A	
3K		102B	
3L		102C	
3M		103	
3N		104	
3O		105	
3P		106	
3Q		107	
3R		108	
3S		109	

Background and Relevant Legislation

The Florida Constitution, State Statutes and the Home Rule Charter of Miami-Dade County authorize the Board of County Commissioners to initiate the taking of property through eminent domain proceedings. See Chapters 73, 74, 125, 127 and 341, Florida Statutes; and §§1.01(A)(1)(2) and (21) of the Home Rule Charter of Miami-Dade County, Florida.

Policy Change and Implication

These resolutions to acquire land are consistent with current County and State policy regarding land acquisition.

Budgetary Impact

The fiscal impact to the County has been budgeted at \$10,140,000 and will be funded by “future” Charter County Transit System Surtax bond funds. However, these items only authorize the acquisition of certain parcels by donation, purchase or by eminent domain proceedings. The true fiscal impact to the County will be quantified once the County enters into negotiations with the owners of the parcels.

Once completed, operation and maintenance of this project is estimated at \$90,000 per year.

The item states that this project will be funded by “future” County Transit System Surtax bond funds.

When will the next tranche of Surtax bonds be sold to fund this project?

Prepared by: Jason T. Smith

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



Legislative Notes

Agenda Item: 3(T) through 3(X)
File Number: 101390, 101380, 101350, 101351, 092662
Committee(s) of Reference: Transit, Infrastructure & Roads
Date of Analysis: June 7, 2010
Type of Item: Contract Award Recommendations and Change Order

Summary

TIRC Items	3(T)	3(U)	3(V)	3(W)	3(X)
Project No.	20060217	CICC 7360-0/08 RPQ No. 20090095	CICC 7360-0/08 RPQ No. 20100388	CICC 7360-0/08 RPQ No. 20100387	20090106
Vendor	Williams Paving Company, Inc.	Kailas Corp.	H & J Asphalt, Inc.	H & R Paving, Inc.	Budget Construction Co, Inc.
Contract Award Amount	\$7,833,899.52 Approved	\$1,489,485.20 Recommended	\$1,000,000 Recommended	\$1,000,000 Recommended	\$1.155 million Recommended
Change Order Request	Contract extension of 119 calendar days	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Open Violations	None	None	None	None	Yes, see below
Make-Up Plan	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Yes, see below

Budget Construction Co, Inc. Make-Up Plan

On July 31, 2009, SBD staff approved a make-up plan for Budget Construction Company, Inc. (Budget) valued at \$349,225¹ under a separate Public Works contract (Project No. 20090106). The make-up plan was presented at the October 14, 2009 Transit, Infrastructure & Roads Committee (TIRC). At that time, Budget's violation report showed two (2) open violations *for failure to meet CSBE subcontractor goals on two (2) Miami-Dade Park and Recreation Department projects.*

- The TIRC committee members tabled the item on October 14, 2009 based on concerns over Budget's compliance with the CSBE requirements. **The make-up plan would have reduced Budget's overall make-up total from \$993,891 to \$644,666.**

On November 4, 2009, the Board of County Commissioners (BCC), through Resolution 1295-09, approved Change Order No. 1 and Final between Budget and Miami-Dade County for needed additional

¹ SBD provided the date and amount to the Office of the Commission Auditor.

work totaling \$65,560 located at East Dixie highway from N.E. 93 Street and N.E. 103 Street, Miami Shores Village, Florida. The two (2) open violations mentioned above for failure to meet CSBE subcontractor goals on two (2) Miami-Dade Park and Recreation Department projects remained.

Recalculation of Make-Up Plan Requested by Budget

According to SBD staff, the SBD revisited the September 7, 2007, Notice of Violation (40070103006) reviewing additional information submitted by Budget and subsequent information requested from the Parks and Recreation Department. The deficit was recalculated based on the final paid amount reported by the Parks and Recreation Department of \$1,646,173.60 less \$43,588.40 (for permit costs of \$11,040.53 and a contingency item valued at \$32,547.87). The revised goal requirement was \$432,698 in which \$58,412 was achieved. Budget's revised CSBE deficit on this project is \$374,286.00 and the revised make-up is \$748,572.01.

- **Budget's original make-up amount was \$993,891.40 (\$823,316.00 (40070103006) + \$170,575.40 (400701-05-004)), and now is \$919,147.41 (\$748,572.01 + \$170,575.40), a difference of \$74,743.99.**

Background and Relevant Information

Currently under § 10-33.02 of the Code of Miami-Dade County, a contractor who is awarded a County contract, determined to be appropriate for CSBE participation, is required to fulfill CSBE goals as established by the County. Failure to achieve the CSBE participation goals may subject the contractor to a variety of sanctions including suspension, work stoppage, termination/cancellation of the contract, and debarment.

In addition, the existing Code states that contractors who fail to fulfill the participation goal may also be ineligible to receive future contracts unless they agree to make up the deficit by having the CSBE perform equal to double the dollar value of the deficiency (the Make-up Goal).

Legislative History

On June 2, 2009, BCC, through Ordinance 09-41², approved additional parameters for future contracts and the applied penalties for failing to meet an established CSBE goal. Also, failure to include the required Schedule of Intent Affidavit for any future contracts will result in the submittal of a bid or a proposal being deemed nonresponsive.

² Contract language will provide that in order to be eligible for future county contracts, a contractor who fails to meet an established CSBE goal will submit a CSBE Make-up Plan for the approval of the Director. A Make-up Plan and a corresponding Schedule of Intent Affidavit must be submitted as part of any bid or proposal submitted for future contracts at the time of bid or proposal submittal.

Any contractor subject to an approved Make-up Plan that fails to comply with any of the material terms of that Make-up plan, without good cause, will be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a six (6) month period. A contractor that fails to comply with any of the material terms of a second Make-up plan, without good cause, will be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a one (1) year period.

- At the June 2, 2009, BCC meeting, concerns were raised that firms could continue to violate the CSBE policies and accept another County contract if they agree to an approved make-up plan.

The violations by Budget occurred before the additional parameters above were approved. However, if Budget incurred new violations, the penalties approved would be imposed.

Prepared by: Michael Amador-Gil & Jason T. Smith

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



FISCAL IMPACT ANALYSIS

Agenda Item: 3Z

File Number: 101441

Type of Item: Resolution designating right-of-way at NW 127 Ave and NW 8 St

Committee(s) of Reference: Transit, Infrastructure & Roads Committee

Date of Analysis: 06-03-2010

Funding Request: "No fiscal impact"

<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 _____</p> <p>Recurring Estimated Operating Cost \$15,000/yr</p> <p>Capital Funding Source(s):</p> <p>\$1.759 million from "future" Building Better Communities –GOB bond funds</p>
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County Match required:

Yes \$ _____ % _____

No

ISSUES/COMMENTS None

County Manager stated (06-03-2010 BCC meeting) that the list of projects for a future BBC bond issue has three basic criteria: 1)Project is shovel ready 2) Project can be completed in 3 years 3) Project has No recurring operating impact. Although minimal, this project has an estimated annual operating cost of \$15,000.

Prepared by: Keith Connor

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



FISCAL IMPACT ANALYSIS

Agenda Item: 3AA

File Number: 101442

Type of Item: Resolution designating right-of-way at SW 280 St and SW 164 Ave

Committee(s) of Reference: Transit, Infrastructure & Roads Committee

Date of Analysis: 06-03-2010

Funding Request: "No fiscal impact"

<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 _____</p> <p>Recurring Estimated Operating Cost</p> <p>Capital Funding Source(s):</p> <p>Park Improvements estimated at \$5 million from "future" Building Better Communities –GOB bond funds</p>
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County Match required:

Yes \$ _____ % _____

No

ISSUES/COMMENTS None

Although there is no direct funding impact from the recommended right-of-way designation the County Manager stated (06-03-2010 BCC meeting) that the list of projects for a future BBC bond issue has three basic criteria: 1)Project is shovel ready 2) Project can be completed in 3 years 3) Project has No recurring operating impact. Although The County Manager memorandum for this item This park improvement project

County Manager's memo states: The estimated cost for the future park improvements (which at this time are not scheduled to go into construction until approximately 2015 or beyond) are \$5 million and will be funded out of future Building Better Communities –General Obligation Bond funds. Additional operation & maintenance costs upon project build out are anticipated to be negligible as the improvements consist mainly of the replacement of an existing pool; all other improvements are pending the identification of operating funds.

Prepared by: Keith Connor

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



FISCAL IMPACT ANALYSIS

Agenda Item: 3BB

File Number: 101402

Type of Item: Resolution authorizing Grant Program (CIGP) with FDOT for a bus terminal

Committee(s) of Reference: Transit, Infrastructure & Roads Committee

Date of Analysis: 06-03-2010

Funding Request: \$1,348,442

<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 _____</p> <p>Recurring Estimated Operating Cost \$90,000/year</p> <p>Capital Funding Source(s):</p> <p>FDOT \$ 1,348,442</p> <p>County sources:</p> <p>LOGT, Charter County Transit <u>\$4,750,558</u></p> <p>System Surtax</p> <p style="text-align: right;">Total \$6,009,000</p>
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County Match required:

Yes \$ 1,348,442 % _____

No

ISSUES/COMMENTS None

This project is budgeted in the Capital Improvement Plan (CIP) at \$6.099 million. The funding request for the Resolution is for the County to match FDOT's grant. Besides the \$1,348,442 County match, the remaining funding required to complete this project "will be provided from local funds (LOGT, Charter County Transit System Surtax, or a combination thereof). The construction for this project is **scheduled to begin in fiscal year 2014** and completed in fiscal year 2016." However, construction for this project is scheduled to begin in FY 2012-13 according to the FY 2010-11 Capital Improvement Plan (CIP# 678510). This date is different than the information in the proposed resolution. Also, an updated pro forma for Miami-Dade Transit, which is not scheduled for release until the proposed FY 2010-11 budget, has not been reviewed by the Board for any future proposed revenue or expenditure changes that may impact future Transit capital projects.

Prepared by: Keith Connor

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
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FISCAL IMPACT ANALYSIS

Agenda Item: 3DD

File Number: 101405

Type of Item: Authorization of SJPA with FDOT for Park & Ride Facility (SW 344 ST, Fl. City)

Committee(s) of Reference: Transit, Infrastructure & Roads Committee

Date of Analysis: 06-03-2010

Funding Request: \$592,551

<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 _____</p> <p>Recurring Estimated Operating Cost \$90,000/yr</p> <p>Capital Funding Source(s):</p> <p>FDOT \$ 4,682,714</p> <p>FTA Grant 1,857,500</p> <p>Transit Surtax <u>3,616,281</u></p> <p>Total \$10,156,495</p>
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County Match required:

Yes \$ 592,551 50 %

No

ISSUES/COMMENTS None

Fiscal Impact statement in the memorandum says "the total funding provided through FDOT agreements is \$8,298,995, with a total of \$4,682,714 coming from the State." To clarify this statement County Transit Surtax is providing \$3,616,281 of the \$8,298,955.

Prepared by: Keith Connor