



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Transit, Infrastructure & Roads
Committee

July 14, 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**

July 14, 2010

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

Item Number(s)

| |
|--|
| 1(E)1 |
| 2(C) |
| 3(F), 3(G), 3(I), 3(K), 3(T), 3(U), 3(V) |

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

Item Number(s)

| |
|------|
| 3(B) |
|------|

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
Keith Connor, Senior Budget Analyst

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



Legislative Notes

Agenda Item: 1(E)1

File Number: 101316

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

Date of Analysis: July 12, 2010

Type of Item: Ordinance Amending the Code of Miami-Dade County

Sponsor: Commissioner Barbara J. Jordan

Summary

This item mandates that the Citizens' Independent Transportation Trust (CITT) create a Five-Year Plan which is to include all transportation-related projects for a five-year span. This item also creates the policy that no contracts will be awarded using People's Transportation Plan (PTP) funds unless the CITT has issued a recommendation.

| Citizens' Independent Transportation Trust | | |
|--|---|---|
| | Current CITT Disposition | Proposed Changes |
| PTP Project List | The BCC may not delete or materially change any County project listed in Exhibit 1 to the PTP enabling ordinance. | The BCC may not delete or materially change any project approved in the Five-year Implementation Plan. |
| Contracts | <p>No surtax funds may be used on contracts awarded by the County Commission until the CITT has approved the item, and if the Trust disapproves the item then the County Commission must reaffirm its award by a 2/3 vote.</p> <p>Awards of contracts for services in support of the administration of the CITT does not require BCC or CITT approval, so long as the individual contract amount does not exceed \$1,000.</p> | <p>No contracts will be awarded using PTP funds unless the CITT has issued a recommendation.</p> <p>The BCC may award the contract, if it agrees with the CITT, by a majority vote. A contract modification or rejection will take a 2/3 vote of the BCC.</p> <p>The BCC may act on a contract award recommendation if the CITT does not take action within 45 days of the filing of the contract award recommendation.</p> |
| Five-year Plan | <p>There is currently no requirement for the CITT to develop a five-year plan.</p> <p>The Metropolitan Planning Organization (MPO) currently develops a region-wide Long Range Transportation Plan which is updated every five years.</p> | <p>The CITT will be tasked with developing a five-year plan in consultation with the Mayor. The plan would be <i>recommended</i> to the BCC, and approved by the BCC.</p> <p>The plan will include a detailed scope of work, schedule, budget for each project included in Exhibit</p> |

| Citizens' Independent Transportation Trust | | |
|--|--------------------------|--|
| | Current CITT Disposition | Proposed Changes |
| | | <p>1 of the PTP, which is expected to be completed within five years.</p> <p>The first five-year plan is to be approved no later than Nov. 1, 2010. The CITT must also produce an annual report detailing the progress of each project included in the five-year plan.</p> |

Background and Relevant Legislation

In 2002, Miami-Dade voters approved the levy of a half-penny sales tax to fund the PTP. Along with levying the tax, voters also approved the creation of the CITT to oversee the PTP. The CITT is currently comprised of 15 members appointed by the Board of County Commissioners (13), and the County Mayor (1), and the Miami-Dade League of Cities (1).

The Office of the Citizens' Independent Transportation Trust (OCITT) provides staff support for the CITT and "coordinates public outreach efforts to inform the community regarding the improvements that have been implemented using surtax funds," according to the OCITT website. The OCITT is fully funded with proceeds from the PTP surtax.

The most recent amendments to the CITT's enabling legislation is as follows:

Ordinance 08-97: (Passed on 9/2/2008) This ordinance required that the County Attorney serve as legal counsel to the CITT. This amendment made the County Attorney and his office the only County employees required to staff the CITT. The amendment eliminated the requirement for the County Manager's office to provide staff and support services to the CITT.

The ordinance also amended the Code to allow the CITT to hire its own executive director through a simple majority vote. The executive director is now empowered to hire and fire staff and support services for the CITT. This ordinance also gave the CITT the power to remove the executive director with a 2/3s vote of the members present at any CITT meeting.

Ordinance 08-98: (Passed on 9/2/2008) This ordinance added new subsection to the Code to give the CITT the explicit authority to hire consultants, so long as the CITT does not exceed its approved budget in the hiring of consultants.

The powers and responsibilities of the CITT include the following:

1. To monitor, oversee, review, audit, and investigate implementation of the transportation and transit projects listed in any levied by the County under authority of Florida Statute 212.055;
2. To assure compliance with any limitations imposed in the levy on the expenditure of surtax proceeds, including but not limited to:
 - a. any limitation that surtax proceeds only be expended for the transportation and transit purposes specified in Florida Statute 212.055(1)(d)1-3;

b. any limitation that no more than 5% of surtax proceeds be expended on administrative costs, exclusive of project management and oversight for projects funded by the surtax;

c. the limitation that the BCC may not delete or materially change any County project listed in Exhibit 1 attached to the ordinance levying the surtax nor add any project thereto except as provided by this subsection. A proposed deletion, material change or addition of such a County project will be initially reviewed by the CITT, which shall forward a recommendation thereon to the BCC. The BCC may either accept or reject the CITT's recommendation. If the BCC rejects the recommendation, the matter will be referred back to the CITT for its reconsideration and issuance of a reconsidered recommendation to the BCC. The BCC may approve, change or reject the CITT reconsidered recommendation. A two-thirds vote of the BCC membership will be required to take action other than as contained in the reconsidered recommendation of the CITT. The foregoing notwithstanding, the list of County projects contained in Exhibit 1 may be changed as a result of the MPO process as mandated by federal and state law; and

d. any requirement with regard to maintenance of effort of general fund support for Miami-Dade Transit

3. To assure compliance with any applicable federal and state requirements;
4. To require monthly reports from the Manager, County agencies and instrumentalities regarding the implementation of the projects funded by surtax proceeds (which reports shall be posted on-line, i.e., made publicly accessible on the Internet);
5. To file a report, including any recommendations, with the Mayor and the County Commission on a quarterly basis regarding the implementation of the projects funded by surtax proceeds; and
6. To monitor, oversee and periodically report to the County Commission on the level of CSBEs and CBEs in contracts funded in whole or in part with surtax proceeds, and to recommend ways to increase such participation.

Prepared by: Jason T. Smith

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



Legislative Notes

Agenda Item: 2(C)

File Number: 101719

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

Date of Analysis: July 13, 2010

Type of Item: Significant Modification to Building Better Communities General Obligation Bond Program

Sponsor: Commissioner Audrey M. Edmonson

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 \$1.2 million to the Historic Hampton House rehabilitation and restoration project from the BBC-GOB-based Historic Preservation Fund. The Historic Hampton House is located at 4200 N.W. 27 Avenue.

The Historic Preservation Fund is capped at \$10 million, of which \$3 million has been allocated to the preservation of Miami Marine Stadium and \$1 million for the Curtiss Mansion rehabilitation project.

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 (BCC) 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.)

- On July 8, 2010, the BCC approved another significant modification to Project 293 dedicating \$1 million from remaining balance of the Historic Preservation Fund to the restoration of the Curtiss Mansion. (Resolution R-707-10.)

Historic Hampton House

BBC-GOB Project No. 255 identifies \$4.7 million for the Historic Hampton House rehabilitation project. The funds are to be used to rehab the building into a “multi-use center of social and cultural life for the local community, through the Office of Historic Preservation.” (Page 1, Appendix A, Resolution R-919-04.) The Hampton House is described as “the most significant representative building of the civil rights movement in Miami-Dade County” and “served as a major social and political gathering place in during the 1950s and 1960s.” (Page 1, Appendix A, Resolution R-919-04.)

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 \$1.2 million to the Historic Hampton House restoration 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.

However, such a significant modification to the BBC-GOB program is not without precedent. On April 6, 2010, the BCC 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.) And on July 8, 2010, the BCC approved a similar modification and allocation to the Curtiss Mansion through Resolution 707-10.

Prepared by: Jason T. Smith

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



FISCAL IMPACT ANALYSIS

Agenda Item: 3B

File Number: 101437

Type of Item: Resolution

Committee(s)

of Reference: Transit, Infrastructure, and Roads

Date of Analysis: July 12, 2010

Funding Request: MDT 10-yr Financial Plan

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|---|--|
| <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> |
|---|--|

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

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Legislative Notes

Agenda Item: 3F, 3G, 3I, 3K, 3T, 3U, 3V

File Number: 101767, 101600, 101615, 101626, 101718, 101725, 101726

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

Date of Analysis: July 12, 2010

Type of Item: Contract Award Recommendations and Change Orders

Summary

| TIRC Items | 3(F) | 3(G) | 3(I) | 3(K) | 3(T) | 3(U) | 3(V) |
|------------------------------|--|----------------------------------|----------------------------------|----------------------------------|---|----------------------------------|-----------------------------|
| Project No. | TR04-TSB | MCC 7360 Plan RPQ 20100427 | MCC 7360 Plan RPQ 20100426 | 20100408 | 20070776 | MCC 7360 Plan RPQ 20100429 | MCC Plan RPQ 20100428 |
| Vendor | Advanced Transportation Solutions, LLC | H & J Asphalt, Inc. | H & R Paving, Inc. | Horsepower Electric, Inc. | Kiewit Southern, Co. | AGC Electric, Inc. | AGC Electric, Inc. |
| Contract Award Amount | \$239,460,000 Awarded | \$1 million Recommended | \$1 million Recommended | \$4,096,911.68 Recommended | \$4,271,626.10 Awarded | \$885,000 Recommended | \$885,000 Recommended |
| Change Order Request | \$20,460,000 Recommended and 6-month contract extension | Not Applicable. | Not Applicable. | Not Applicable. | \$2,424,010.40 and 210 Calendar day extension | Not Applicable. | Not Applicable. |
| Open Violations | No open violations, however an investigation was conducted. See below. | None. | None. | None. | None. | None. | None. |
| Make-Up Plan | Not Applicable. | Not Applicable. | Not Applicable. | Not Applicable. | Not Applicable. | Not Applicable. | Not Applicable. |

Item 3(F) – 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 MDT¹.

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.²

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

¹ 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.

² 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