



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

Legislative Analysis

Transit, Infrastructure & Roads
Committee

October 14, 2009
2:00 P.M.
Commission Chamber

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Miami, Florida 33128
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**Miami-Dade County Board of County Commissioners
Office of the Commission Auditor**

**Legislative Notes
Transit, Infrastructure & Roads Committee
Meeting Agenda**

October 14, 2009

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

Item Number(s)

2(A)
3(A)
3(D)
3(E)
3(H)

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



Legislative Notes

Agenda Item: 2(A)
File Number: 092617
**Committee(s)
of Reference:** Transit, Infrastructure & Roads Committee
Date of Analysis: October 5, 2009
Prime Sponsor: Commissioner Rebecca Sosa
Type of Item: Amendment

Summary

This resolution amends Resolution 303-08 *Hialeah Multi-Purpose Facility* located on the corner of Palm Avenue and Okeechobee Road, City of Hialeah (City), Florida.

The proposed resolution provides the following amendments:

- The project will be owned and operated by the City and not the County (this includes all buildings and land);
- The Public Health Trust (PHT) will notify the Commissioner of the district off all negotiations and discussion meetings between the City and the PHT; and
- The County and the City agree to the terms of the Interlocal Agreement and the Declaration of Restrictive Covenants.

Agreement highlights:

- The multi-facility will include an affordable housing¹ unit with at least 72 units, a health care center no less than 6,000 square feet, and a 350 parking garage (according to the project description);
- The County will allocate \$1.5 million from Series 2008 B Bonds for the project (the sum will be provided in accordance with the reimbursement procedures contained in the County GOB Administrative Rules);
- The \$1.5 million will be used for architectural, structural, MEP and civil engineering services. As well as for the inclusion of LEED Design Services;
- **Pursuant to the Restrictive Covenant, the City will complete construction within four (4) years;**
- **The City also agrees to maintain the facility for a minimum of 25 years;**
- **The PHT may operate a health care center for a term of thirty (30) years with two (2) automatic thirty Year and one (1) automatic nine (9) year option to renew;**

¹ The affordable housing component will be rented to qualified household making one-hundred forty percent (140%) or less of median income.

- **Lease, for no monetary consideration, built-out space to the PHT;**
- Reserve thirty-five (35) ground-level parking spaces for employees of and visitors to the care center;
- **The Miami-Dade County Inspector General will have the power to retain and coordinate the services of an independent private sector inspector general; and**
- Miami-Dade County's name, logo, and slogan will appear on the facility with restrictions.

Background and Relevant Information

On April 18, 2008, the Board of County Commissioners (BCC), through Resolution 303-08, approved the allocation of \$7.5 million for Building Better Communities General Obligation Bond (BBC-GOB) Program Project No. 310 - "Jackson Health Center - Hialeah" to the health care center component ("Health Care Center Component"); \$5 million from BBC Program Project No. 249 - "Preservation of Affordable Housing Units and Expansion of Home Ownership" to fund affordable housing rental units ("Affordable Housing Units"), and \$1.5 million from BBC Program Project Number 220 - "Acquire or Construct Multi-Purpose Facilities" to fund the development of a multi-purpose facility to be developed by the City.

According to the Office of Capital Improvement staff:

- It is expected that the PHT will enter into a 30-year lease with two 30-year and one 9-year renewals for the health care center; and
- The multi-purpose room in the housing facility will be used by the residents of the building and the Commissioner of the district will have access for meetings with appropriate notice.

Question: What is the status of the negotiations with the PHT?

Legislative History

On April 8, 2008, the BCC, through Ordinance 08-84, approved the waiver of all procurement policies and procedures for the planning, design and/or construction contracts related to the multi-purpose facility, and allow the City to use its own procurement policies and procedures. The Sustainable Buildings Program will be applied to any planning, design and/or construction contracts in this project.

The City will follow their procurement policies for this project.

On June 5, 2007, the BCC, through Ordinance 07-77, amended Section 2-8.2.20 of the Code of Miami Dade relating to the County's procurement procedures which allowed municipalities to adhere to their own procurement procedures, with the exception of the CSBE and CBE-A/E programs, when constructing projects on behalf of the County. **In the event a municipality has their own small business program approved by its board, the municipality may use their own program in lieu of the County's programs.**

Question: When is the project scheduled to commence? *According to OCI staff, the City will commence bidding procedures in the near future.*

Prepared by: Michael Amador-Gil

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Legislative Notes

Agenda Item: 3(A)
File Number: 092663
Committee(s) of Reference: Transit, Infrastructure & Roads Committee
Date of Analysis: October 13, 2009
Type of Item: Retroactive Change Order

Summary

This resolution approves a retroactive change order between Miami-Dade County and ESD Waste 2 Water, Inc. This change order would do the following:

- Adjust the base about of the contract to reflect changes in the work performed on the contract due to unforeseen circumstances. The amount of this change is \$32,425.
- Adjust the Allowance Account for Unforeseen Changes. The amount of this change results in a credit of \$83,543.48.

This item represents a credit of \$51,118.48 for this contract. This is the final change order for this contract. The project was completed in January 2009.

Background and Relevant Legislation

On Sept. 4, 2007, the Board of County Commissioners approved a contract to ESD Waste 2 Water for the installation of oil/water separators for the escalators and elevators at nineteen (19) Metromover Stations (File #072162). The notice-to-proceed was given to the contractor on April 7, 2008.

According to Administration, a change notice totaling \$32,425.00 was required on the original contract due to required increases in the separator capacity and the installation of additional stainless steel protective enclosures at various stations. A second change notice is required to decrease the overall contract amount to reflect unexpended funds in the allowance account as a stipulated in the original contract. Of the total allowance account of \$102,045.00, only \$18,501.52 was used. Therefore the total contract amount will be reduced by \$83,543.48.

The original contract had a DBE measure of 29% which had an estimated value of \$325,523.55. Upon completion of the contract the DBE measure was 20% or \$219,679. The original DBE goal was not met due to the change in scope of the project which was requested by the County.

Policy Change and Implication

This item is consistent with current Board of County Commissioners policy of approving retroactive change orders following the completion of all work on a contract.

Questions:

Are all the escalators at all Metromover stations in operation? If not, which escalators are currently out of service and why? When would the escalators be operational?

Prepared By: Jason Smith

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Legislative Notes

Agenda Item: 3(D)
File Number: 092748
Committee(s) of Reference: Transit, Infrastructure & Roads Committee
Date of Analysis: October 13, 2009
Type of Item: Bus Route Service Adjustments

Summary

This resolution approves Metrobus service adjustments to be implemented by Miami-Dade Transit (MDT) on or about December 13, 2009.

This resolution combines the following routes:

- Routes 24 and 224 Coral Way Max
- Routes 40 and 240 Bird Road Max
- Routes 54 and 284 Hialeah Gardens Connection
- Routes 83 and 183 Street Max
- Routes 91 and 99
- Routes 656 and 136
- Routes 71 and 212 Sweetwater Circulator
- Routes 73 and 267 Ludlam Road Max
- Routes K and R into a new route 115 Mid-Beach Connection.

This resolution also establishes the following two new routes which will be supported by gran:

- Airport-Beach Express
- I-95 Downtown Miami/Broward Express

As noted in the Manager's Memo, the schedules of a total of 36 routes will be impacted by this resolution.

This resolution also adjusts the Miami-Dade Transit schedule of fares, rates and charges to reflect that bus-to-bus transfers are now free and only available with the use of an EASY Card or Easy Ticket.

Background and Relevant Legislation

The proposed service adjustments reduce bus revenue miles from 30.5 million revenue miles to 28.5 million revenue miles. These reductions represent a 6.5 % decrease in revenue miles. The proposed revenue mile reduction was assumed in the FY 2009-10 Adopted Budget.

According to the Manager's Memo, the proposed service adjustments would result in an estimated annual savings of \$15 million.

When the Board of County Commissioners approved the a June 2009 bus service adjustments (R-676-09), Miami-Dade Transit reported that the average daily boarding of buses in Miami-Dade County was 293,000. In the current item before the Committee, the Transit Department reports that the average daily passenger trips are 250,000.

- *To what does the department attribute the recent decline in bus passenger trips?*

New Routes

This item would authorize the operation of two additional routes.

Airport-Beach Express: This bus service will travel between Miami International Airport and South Beach with a stop at the Earlington Heights Metrorail Station. This route is being funded by federal Job Access/Reverse Commute (JARC) program in the first year.

- *If the department fails to secure JARC funding in future years, will this route be discontinued or will the County continue to fund this route?*

I-95 Express: This bus service will operate between downtown Miami and Sheridan Street and Broward Blvd. in Broward County. The Board of County Commissioners previously approved a joint participation agreement with the Florida Department of Transportation in June 2009 for the initial operation of this route (R-677-09).

Impact to Transit Workers

- *How will these proposed changes impact transit workers?*
- *Will these service changes eliminate any jobs, if so how many?*

Prepared By: Jason Smith

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Legislative Notes

Agenda Item: 3(E)
File Number: 092490
**Committee(s)
of Reference:** Transit, Infrastructure & Roads Committee
Date of Analysis: October 5, 2009
Commission District: Countywide
Type of Item: Ordinance

Summary

The proposed ordinance revises and codifies the County's **Miscellaneous Construction Contracts (MCC) Program**. The modified MCC Program: (1) increases oversight responsibilities; (2) updates contract language in accordance with current legislation; (3) creates on-line module to facilitate the vendor registration process; (4) makes certain clarifications as to the contractual relationship between the County; and (5) the contractor and modifies the procurement methodology.

Key attributes of the Program provide for the following:

- The proposed MCC Program is similar as the CICC No. 7360 (open to all vendors and only used when federal dollars are available) and the CICC No.7040 (is a rotational based Community Small Business Enterprise set-aside pool of contractors).
- The MCC program will be subject to on Overall Program Expenditure Limit (OPEL). This limit will set by the Board of County Commissioners (BCC) by resolution.
- The Office of Capital Improvements will be authorized to allocate the OPEL among the program.
- The Mayor or his designee will have the authority to issue bids and proposal documents; receive, open and review bids; make revisions and clarifications to the MCC Program; and negotiate and settle contract disputes.
- All actions taken under the MCC Program will not require BCC review. Reports will be submitted on a quarterly basis to the BCC.
- Includes Community Workforce legislation applicable to all a contracts (under the 7040 Plan) with construction costs of more than \$100,000.
- Establishes prerequisites for contractors and departments using emergency RPQ procedures.
- Specifies thresholds for application of Liquidated Damages.
- Grants authority to administratively make revisions to the MCC's Program Contract documents to address ambiguities and to make other clarifications as needed.
- Clarifies Change Order process establishing levels for authorization.

Comparison Table of Modified MCC Program vs. Current MCC Contracts

<p>Modified MCC Program 7040 – 7360 Plans</p> <p>New Ordinance – Implementing Order</p>	<p>Current MCC Contracts</p> <p>CICC7040-0/07</p> <p>CICC7360-0/08</p>
Codifying the MCC Program into County Code	Not in the Code
Establishes an Implementing Order for managing the program countywide	No Implementing Order
Clarifies that the vendor participation in both plans does not constitute a contractual relationship unless the contractor submits the signed Notice to Proceed	Unclear
Inclusion of Community Workforce Legislation	Not included
Clarifies the Emergency RPQ procedure for vendors and user departments	Unclear
New Ordinance makes reference to CSBE County Code (10-33.02). If this section of the code is modified, the changes will also apply to the MCC program	CSBE County Code was only included in the Contract language
Change Order approval process establishing levels for authorization within the user departments and OCI	Not established
Establishes an Overall Program Expenditure Limit (OPEL). Contracts extensions will not be required while allocation is available.	Board Resolutions were required to extend the contracts and also to increase the allocation
Grants authority to administratively make revisions to the MCC’s Program Contract documents to address ambiguities and to make other clarifications as needed	Not included
Specifies thresholds for application of liquidated damages rates	Not established
Establishes a timeline for contractors performance evaluations completion by the users in CIIS	Not established
Requires monthly updates of RPQ status in CIIS by the users	Not included

Prepared by: Michael Amador-Gil

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Legislative Notes

Agenda Item: 3(H)
File Number: 092719
**Committee(s)
of Reference:** Transit, Infrastructure & Roads Committee
Date of Analysis: October 5, 2009
Commission District: 12
Type of Item: Amendment

Summary

This resolution authorizes the execution of the first amendment to the Joint Participation Agreement (JPA) between Miami-Dade County and the City of Hialeah (City) to provide an additional \$330,000 in Road Impact Fee (RIF) District 3 proceeds. The County's maximum contribution now totals \$3,630,000.

Public Works Department (PWD) staff mentions that unforeseen conditions (significant amounts of illegally dumped material) encountered during construction of the roadway caused the additional costs.

Questions: Who was responsible for surveying the project area before construction began?
Why did the project commence without removing the existing material?
Did County staff provide an oversight role?
How much RIF District 3 proceeds are available if this resolution is approved?

Background and Relevant Information

On July 18, 2006, the Board of County Commissioners, through Resolution 872-06, approved the above mentioned JPA to reimburse the City \$3,300,000 for the construction of a four (4) lane road on 97th avenue.

- This road is contained within an area annexed by the City in 2004.
- The City contends that construction of this road is vital to the development of the area.
- At the request of the City and the Public Works Department, this project was expedited by the MPO in the 2030 Long Range Transportation plan, as well as, the 2006 Transportation Improvement Program (TIP).

On September 9, 2009, the City, through Resolution 09-99, approved the amendment to the JPA that the County increases its contribution from \$3,300,000 to \$3,630,000. The resolution mentions that the County agreed to pay an additional 10% contingency for unanticipated additional expenses.

- However, Section 6 of the JPA¹ mentions that: “The construction contract will contain a contingency amount to address unforeseen conditions and owner required changes which will not exceed 10% of the base amount of the contract.”
 - **Question:** How were these contingency account funds spent?

According to PWD staff, contingency funds were not included in the original estimate since the City of Hialeah according to Section 6 of the JPA determined that adjustments to the \$3,300,000 could be required in the future and that amendments could be approved by the BCC provided that the increase amount of County funds did not exceed by 10% of the total amount of the construction. That is the reason why when the City of Hialeah submitted a request for \$491,450.52 the County responded by saying that only 10% could be approved and the rest had to be done by the City of Hialeah.

Prepared by: Michael Amador-Gil

¹ See Resolution 872-06