Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2007

Agenda Item No. 8(P)(1)(B)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: First Amendment to a Joint Participation Agreement Between Miami-Dade County and the City of Coral Gables in the Amount of $400,500 to Fund Construction of Three (3) Roundabouts to be Constructed at the Intersections of Coral Way and Segovia Street, Blue Road and San Amaro Drive, and Blue Road and Alhambra Circle

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RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing execution of a First Amendment to a Joint Participation Agreement (JPA) between Miami-Dade County and the City of Coral Gables (the City) to reimburse the City for the construction of three (3) roundabouts to be constructed at the intersections of Coral Way and Segovia Street, Blue Road and San Amaro Drive, and Blue Road and Alhambra Circle. The Amendment provides an additional $400,500 in funds from Road Impact Fee (RIF) District 7.

SCOPE

The three (3) roundabouts to be constructed are all within the municipal boundaries of the City of Coral Gables. The Blue Road and San Amaro Drive, and Blue Road and Alhambra Circle intersections are entirely within Commission District 7, while the intersection of Coral Way and Segovia Street is located on a common boundary of Commission District 7 and Commission District 6.

FISCAL IMPACT/FUNDING SOURCE

The net increase in cost to the County as a result of this Amendment is $400,500. The County's participation in funding has therefore increased from the original amount of $1,701,500 to $2,102,000. RIF District 7 will continue to provide the County's funding for the projects.

TRACK RECORD/MONITOR

The County will utilize the resources of the City to contract, construct and administer the project on a reimbursable basis. Disbursement of County funds to the City shall be based upon City invoices with certified copies of paid contractor estimates. The project will be assigned to Mr. Bassam Moubayed, P.E., Chief, Construction Division, who will oversee inspections conducted by Public Works Department (PWD) staff before release of funds is recommended.

Whenever County funds are used for work funded under this amendment, the City agrees to comply with applicable County regulations including but not limited to the Community Small Business Enterprise (CSBE) Program, Community Business Enterprise (CBE) Program, the Community Workforce Program, and the Responsible Wages and Benefits Ordinance (Ordinance No. 90-143). The work covered under this amended JPA has been analyzed by the County's Review Committee (RC).

The RC has recommended a twenty-nine percent (29%) CSBE Subcontractor goal for the Coral Way and Segovia Street Circle. The Blue Road and San Amaro Drive, and the Blue Road and Alhambra Circles are Set-Aside for Level I CSBE participation.

BACKGROUND

On July 13, 2004, the BCC approved the subject JPA under Resolution No. R-890-04. Under the JPA, the City would be provided up to $1,701,500 of the cost of roadway improvements along Ponce de Leon Boulevard to be designed from Alcazar Avenue to SW 8 Street (currently under design), and to be constructed from Almeria Avenue to Alcazar Avenue (construction completed), and a total of three (3) roundabouts proposed to be constructed at the intersections of Coral Way and Segovia Street, Blue Road and San Amaro Drive, and Blue Road and Alhambra Circle (projects not implemented).

Subsequently, the cost to construct the three (3) roundabouts has escalated since the original cost estimate was made approximately three (3) years ago, from $300,000 to $852,000. The Blue Road and San Amaro Drive, and the Blue Road and Alhambra Circle roundabouts will each be funded in the amount of $125,000 (Construction), while the Coral Way and Segovia Street site will receive $602,000 (Construction). Factors contributing to the increase in project costs include an escalation in construction costs and an expanded scope of work for the Coral Way and Segovia Street roundabout to include bicycle facilities and drainage improvements. This increase will be provided by the addition of $400,500 in new funding from RIF District 7, and the reallocation of the $151,500 provided as a lump sum in the original JPA for roundabout study/design.

Pursuant to the County's RIF Ordinance, the City has submitted traffic capacity analysis studies to verify that capacity improvements will be achieved once the intersections are converted to roundabouts. These improvements are being constructed at intersections of County and City maintained roads.

The City will implement a Public Involvement Plan (PIP) to provide information to property owners, tenants, and area residents for major work to be performed in the area. The project is anticipated to be completed by the end of 2008.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: December 4, 2007

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(P)(1)(B)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(P)(1)(B)
12-04-07

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF THE FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT IN THE AMOUNT OF $400,500 BETWEEN MIAMI-DADE COUNTY AND THE CITY OF CORAL GABLES TO PARTICIPATE IN FUNDING IMPROVEMENTS ALONG THE PONCE DE LEON BOULEVARD CORRIDOR AND THREE TRAFFIC ROUNDABOUTS; AND AUTHORIZING THE COUNTY MAYOR OR HIS DESIGNEE TO EXERCISE THE PROVISIONS THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, both the City of Coral Gables and Miami-Dade County wish to facilitate the construction of roadway improvements including a total of three roundabouts, that are proposed to be constructed at the intersections of Coral Way and Segovia Street, Blue Road and San Amaro Drive, and Blue Road and Alhambra Circle,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves this amendment to the Joint Participation Agreement between Miami-Dade County and the City of Coral Gables, providing up to an additional $400,500 to the City for eligible expenses incurred in this construction, in substantially the form attached hereto and made a part hereof; and authorizing the County Mayor or his designee to execute same for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman
Barbara J. Jordan, Vice-Chairwoman

Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber

FIRST AMENDMENT TO AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF CORAL GABLES

This First Amendment to Agreement is made and entered into this _____ day of _____, 2007, by and between Miami-Dade County, a political subdivision of the State of Florida, herein referred to as the "County", and the City of Coral Gables, a political subdivision of the State of Florida, herein referred to as the "City".

WITNESSETH

WHEREAS, pursuant to Resolution No. R-890-04, approved by the Board of County Commissioners of Miami-Dade County, Florida, on July 13, 2004, the parties hereto entered into an Agreement to facilitate the construction of road improvement projects in Miami-Dade County, (the "Agreement") including three roundabouts proposed to be constructed at the intersections of Coral Way and Segovia Street, Blue Road and San Amaro Drive, and Blue Road and Alhambra Circle in Coral Gables, Miami-Dade County, as more particularly described in the Agreement (the "Projects"); and

WHEREAS, the City has requested that changes be made in the allocation and amount of funding for the roundabouts in the Projects, and

WHEREAS, the City has completed the design plans for the roundabouts at its own expense, and

WHEREAS, the estimated cost of constructing these roundabouts has increased since the initial construction cost estimate was made over three years ago;

NOW, THEREFORE, in consideration of the mutual desires of the parties hereto, the following modifications are made to the aforementioned Agreement:

Section 4. Construction. The City shall procure the services of a licensed contractor holding an engineering contractor's license to construct the Projects. The City may award the contract through any available lawful means which, in the City's discretion, affords the most competitive price for construction of the Projects and which may include, but is not limited to, bid solicitation, request for proposals, the award of a change order on existing City contract(s), or the extension of unit-prices provided in connection with prior competitive bid awards. Regardless of which methodology is used, the City shall at all times maintain separate accounting for the costs of the Projects so those costs may be independently verified and audited by the County.

Notwithstanding any provision to the contrary, the City shall comply with all applicable County contract compliance and oversight measures relating to the expenditure of County funds, in accordance with Section 15 of this Agreement. Prior to the advertisement to solicit a licensed contractor to construct the Project, the City will contact the County's Public Works Contracts and Specifications Section to ensure this compliance.

The construction contracts shall also contain a requirement that the contractor provide a payment and performance bond at least in the amount and form required by law naming the County and City as joint obliges or joint contracting public entities. The construction contracts shall contain a contingency amount to address unforeseen conditions and owner required

changes which shall not exceed ten percent (10 %) of the base amount of the contract.

Subsequent to the evaluation of bids or proposals by the City and the City's determination of the most advantageous bid or proposal, the City shall provide said evaluation to the County's Director of Public Works for approval. The County will not unreasonably withhold or delay its approval. Final commitment of County funds for the Projects, shall occur upon approval of the contract award recommendations by the Public Works Director.

Section 5. County Payments of Project Costs. The County shall disburse to the City funds for the design and construction and inspection of the Projects in the manner set forth in this Section.

The City will send invoices to the County for reimbursement of payment for all covered analysis, designs or construction. The County shall review and approve or take other appropriate action upon the City's submittals forwarded to the City by the design professionals or construction contractors. The County will not consider the reimbursement of submittals for areas not covered by the scope of work defined in this Agreement, at variance with standard COUNTY design criteria, or tasks performed before the date of execution of this Agreement. The County will limit its reimbursements to providing the cost of standard improvements normally provided by the County in its projects.

The parties further agree that eligible costs will not include fees for construction management, construction inspections, and project management.

For the purposes of this Agreement, reimbursable project elements shall be designated as set forth below:

Ponce de Leon Boulevard from Almeria Avenue to SW 8th Street – Design from Alcazar Avenue to SW 8th Street and Construction from Almeria Avenue to Alcazar Avenue of raised center median with addition of left turn bays along the entire corridor; conversion of angle parking to parallel parking on a portion of the corridor between Alcazar Avenue and SW 8th Street; and the reduction of lanes from 6 to 4 on a portion of the corridor between Almeria Avenue and Alcazar Avenue.

Coral Way and Segovia Street, Blue Road and San Amaro Drive, and Blue Road and Alhambra Circle – ~~Traffic Studies (Required).~~ ~~Design and~~ Construction of roundabouts, upon approval by the County of the Traffic Studies substantiating that these enhancements will achieve additional roadway capacity improvements.

The amounts shown below are based on the current estimated costs of the Projects. The parties recognize that adjustments to the above-referenced costs may be required in the future and that at the option of the parties, amendments may be entered into to revise the funds available for the Projects. Provided that there is no increase in the amount of County funds required, such amendments may be executed by the City and County Managers without the need for approval by the City and County Commissions.

The County shall disburse to the City for design and construction of the Project the following amounts as specified below:

Project	Study and Design Costs	Construction Costs	Funding Source	County Fiscal Year of Commitment
Ponce de Leon Boulevard from Almeria Avenue to Alcazar Avenue Improvements		$1,000,000 (Construction Only)	Road Impact Fees	2003-04
Ponce de Leon Boulevard from Alcazar Avenue to SW 8th Street Improvements	$250,000 (Design Only)		Road Impact Fees	2003-04
~~Coral Way and Segovia Street, Blue Road and San Amaro Drive, and Blue Road and Alhambra Circle Roundabouts~~	~~$151,500~~	~~$300,000~~	~~Road Impact Fees~~	~~2003-04~~
Coral Way and Segovia Street Roundabout		$602,000	Road Impact Fees	2006-07
Blue Road and San Amaro Drive Roundabout		$125,000	Road Impact Fees	2006-07
Blue Road and Alhambra Circle Roundabout		$125,000	Road Impact Fees	2006-07

At the time of contract award for this Project, the City shall submit the Estimated Quarterly Construction Payout Schedule for the Projects to the County Public Works Director. Quarterly disbursement of County funds to the City shall be based upon City invoices with certified copies of paid contractor estimates attached and shall not include any other charges.

Section 9. Maintenance Responsibilities. Upon completion of the Projects, the parties will assume maintenance responsibilities as set forth below:

Ponce de Leon Boulevard from Almeria Avenue to SW 8th Street Improvements:

Maintenance Responsibility by Miami-Dade County	Maintenance Responsibility by the City of Coral Gables (Any additional or non-standard items constructed)
Signalization – County Standard Design	Asphaltic Concrete
Pavement Markings	Sidewalks
Traffic Signage	Concrete curb and Gutter
	Drainage Facilities
	Signalization – Non-County Standard Design
	Street Lighting
	Landscaping
	Irrigation

Coral Way and Segovia Street, Blue Road and San Amaro Drive, and Blue Road and Alhambra Circle Roundabouts:

Maintenance Responsibility by Miami-Dade County	Maintenance Responsibility by the City of Coral Gables (Any additional or non-standard items constructed)
Asphaltic Concrete – County Standard (only within Roundabouts, on Blue Road and on Coral Way)	Asphaltic Concrete (on remaining Streets)
Sidewalks (only within Roundabouts, on Blue Road and on Coral Way)	Landscaping
Concrete curb and Gutter (only within Roundabouts, on Blue Road and	Sidewalks
	Concrete curb and Gutter
	Irrigation
	Pavers or other non-standard pavement
	Street Lighting

on Coral Way) Landscape Lighting
Signalization
Pavement Markings
Traffic Signage

Section 10. Notices. Any and all notices required to be given under this Agreement shall be sent by first class mail, addressed as follows:

To the County:

Attention: ~~Aristides Rivera, P.E., P.L.S.~~Esther L. Calas, P.E.
Director, Public Works Department
Miami-Dade County
111 N. W. 1st Street, Suite 1640
Miami, Florida 33128
(305) 375-2960

To the City:

Attention: Mr. Alberto Delgado, P.E.
Director, Public Works Department
City of Coral Gables
~~285 Aragon Avenue~~2800 S.W. 72nd Avenue
~~Coral Gables, Florida 33134~~Miami, Florida 33155
(305) 460-5001

Section 15. Business Program Compliance and Oversight: Whenever County funds are used for work performed which is funded under this Amendment the City agrees to comply with applicable County regulations including but not limited to the Community Small Business Enterprise (CSBE) Program, Community Business Enterprise (CBE) Program, the Community Workforce Program, and the Responsible Wages and Benefits Ordinance (Ordinance No. 90-143). Specifically, City agrees to abide by the goals for the

participation of specified business entities and/or trades, and for Community Workforce employment, as approved by the Business Development Review Committee and administered by the County's Department of Business Development ("DBD"). The DBD shall have the right to oversee and ensure compliance with the goals established, including but not limited to, the right to audit and to require reports and documentation related to the Program goals.

Section 16. Public Information and Involvement: The City will implement a Public Involvement Plan (PIP) during the design and construction of the Project to provide information to property owners, tenants, and area residents, including but not limited to: public meetings, project documentation and flyers, business signs, directional parking signs, and schedules for major work to be performed in the area. Appropriate investigation of the project stakeholders will be used to develop the goals and objectives to implement this plan. The City shall submit a copy of the PIP to the County Public Works Director for review and concurrence prior to the Notice to Proceed for construction.

In all other respects, except as herein amended, the original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written.

ATTEST:

HARVEY RUVIN
CLERK OF THE BOARD

BY: _____
Deputy Clerk

MIAMI-DADE COUNTY, FLORIDA,
BY ITS BOARD OF
COUNTY COMMISSIONERS

BY: _____
County Mayor or His Designee

Approved by County Attorney
as to form and legal sufficiency _____

ATTEST:

BY: _____
Walter J. Foeman 9/10/07
City Clerk

CITY OF CORAL GABLES, a municipal corporation of the State of Florida

BY: _____
David L. Brown
City Manager

(Affix City Seal)

Approved by City Attorney
as to form and legal sufficiency _____

APPROVED

Elizabeth M. Hernandez Date
City Attorney

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2007-186

A RESOLUTION AUTHORIZING THE CITY MANAGER TO AMEND THE JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF CORAL GABLES FOR DISBURSEMENT OF ROAD IMPACT FEE FUNDS TO THE CITY, APPROVED BY THE CITY COMMISSION ON APRIL 27, 2004 FOR THE DESIGN AND CONSTRUCTION OF THREE ROUNDABOUTS AT THE INTERSECTIONS OF CORAL WAY AND SEGOVIA STREET, BLUE ROAD AND SAN AMARO DRIVE, AND BLUE ROAD AND ALHAMBRA CIRCLE, IN THE CITY OF CORAL GABLES, FLORIDA.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. That the original Joint Participation Agreement executed by the Miami-Dade County to disburse Road Impact Fee funds to the City of Coral Gables for the design and construction of three roundabouts at the intersections of Coral Way and Segovia Street, Blue Road and San Amaro Drive, and Blue Road and Alhambra Circle in the City of Coral Gables, Florida needs to be amended to show the new costs for these roundabouts.

SECTION 2. That the City Manager is authorized to execute the amendment to said Joint Participation Agreement between Miami-Dade County and the City of Coral Gables.

SECTION 3. That the amended executed JPA (Joint Participation Agreement) shall be made a part of this Resolution and be kept on file in the office of the City Clerk.

SECTION 4. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-EIGHTH DAY OF AUGUST, 2007, A.D., 2007.

(Moved: Cabrera/ Seconded: Kerdyk)
(Yeas: Kerdyk, Withers, Anderson, Cabrera, Slesnick)
(Unanimous: 5-0Vote)
(Agenda Item: C-2)

APPROVED:

DONALD D. SLESNICK II
MAYOR

ATTEST:

WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

ELIZABETH M. HERNANDEZ
CITY ATTORNEY