Memorandum

MIAMI-DADE COUNTY

Date: January 21, 2010

To: Honorable Chairperson Dennis C. Moss
and Members, Board of County Commissioners

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

From: George M. Burgess
County Manager

Subject: Ratification of Acceptance and Execution of Supplemental Joint Participation Agreement (SJPA) **42344419401 No. 1** with the Florida Department of Transportation (FDOT) to reflect a reduction in estimated costs of a road project at MIA involving NW 67th Ave Right Of Way and Intersection Improvements

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RECOMMENDATION

It is recommended that the Board adopt the attached resolution ratifying the actions of the County Manager as the Mayor's Designee, pursuant to provisions of the Aviation Department's Expedite Ordinance No. 95-64, codified as Section 2-285 (6) of the Miami-Dade County Code, in accepting and executing a Supplemental Joint Participation Agreement (SJPA) 42344419401 No. 1 between Miami-Dade County and the State of Florida Department of Transportation (FDOT) to reflect a reduction in the estimated costs of a road project at Miami International Airport ("MIA") involving property acquisition for and roadway improvements to the intersection of NW 67th Avenue/Ludlum Road, SR 948/NW 36th Street, and Perimeter Road at Miami International Airport ("MIA").

SCOPE

Miami International Airport is located within District Six. However, the impact of this project is Countywide in nature as Miami International Airport is a regional asset.

FISCAL IMPACT

The original Joint Participation Agreement ("JPA") with FDOT provided for a total estimated project cost of $9,988,000, with FDOT agreeing to fund the project to the extent of 50% of such cost, or $4,994,000 and with the County through its Aviation Department agreeing to fund the balance of the project cost in an equal amount of $4,994,000. Following the approval of the JPA, some of the original estimated costs were lowered to meet then-current estimates of costs, and the estimated acquisition cost of the right of way itself was lowered to meet current estimated costs of acquisition. The SJPA now provides for a total estimated project cost of $6,886,434, with FDOT agreeing to fund 50% of such costs, or $3,443,217, and with MDAD contributing the remainder. FDOT has indicated that it is willing to provide its funding of $3,443,217 at this time, even though FDOT now estimates that the total project costs may be even less than the $6,886,434. If a further reduction in total project costs turns out to be the case, MDAD will be required to return to FDOT that portion of the $3,443,217 provided by FDOT that exceeds 50% of the final costs of the project.

PROJECT MONITOR

The project is managed by Franklin Stirrup, Facilities Project Manager. This Supplemental Joint Participation Agreement is managed by Norma Mata, Chief of Aviation Grants.

BACKGROUND

By Resolution No. R-158-09, adopted on March 3, 2009, the Board approved a Joint Participation Agreement between the County and FDOT under which each party would contribute $4,994,000 for a total estimated project cost of $9,988,000 to complete a road project on the north side of MIA.

The scope of the proposed project includes (a) the acquisition of a Right of Way (ROW) through a privately owned property located at 6600 NW 36th Street, on the East side of NW 67th Avenue between NW 36th Street and MIA's Perimeter Road, (b) the widening and repaving of NW 67th Avenue from a point starting approximately 500 feet south of MIA's Perimeter Road and running north to NW 36th Street, (c) the widening of MIA's Perimeter Road from NW 67th Avenue to the East for approximately 700 feet, (d) a total rebuilding of the southern portion of the intersection, (e) the modification of the westbound-to-southbound left turn lane an median of NW 36th Street, (f) installation of new traffic signals and traffic signal controllers at the intersection of NW 36th Street and NW 67th Avenue and the intersection of NW 67th Avenue and Perimeter Road, and (g) installation of new roadway lighting, new exfiltration trenches, and a new dry retention ponds.

FDOT has revised its estimate of total project costs for the project to be $6,886,434, which is $3,101,566 less than the original estimated project costs of $9,988,000. Because both FDOT and the County split the costs under the original JPA, the reduction in estimated costs by $3,101,566 means that FDOT's 50% funding portion amounts to a reduction in FDOT funding of $1,550,783.

FDOT is willing to provide 50% of the reduced estimate of project costs that are now in the total amount of $6,886,434. FDOT's funding portion is therefore $3,443,217, with the County, through its Aviation Department, providing the other 50%, or $3,443,217. The attached SJPA therefore reflects the reduction of total estimated project costs to $6,886,434 and reflects FDOT's contribution of 50% of that estimated project cost which will be $3,443,217.

If it turns out that the final project costs are even less than $6,886,434, then the County's Aviation Department will return to FDOT that portion of FDOT's $3,443,217 that is in excess of 50% of the final project costs.

Ratification of the County Manager's actions in accepting this SJPA No. 1 for the Miami International Airport project is therefore recommended.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: January 21, 2010

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

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

Please note any items checked.

_____ "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

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

_____ No committee review

_____ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve

✓ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Veto _____

Override _____

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

1-21-10

RESOLUTION NO. _____

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; RATIFYING EXECUTION BY THE MAYOR OR MAYOR'S DESIGNEE PURSUANT TO THE PROVISIONS OF SECTION 2-285(6) OF THE MIAMI-DADE COUNTY CODE, OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) NO. 1 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR FINANCIAL PROJECT NO. 42344419401 TO REFLECT A REDUCTION IN FDOT'S FUNDING DUE TO A REDUCTION IN THE ESTIMATED PROJECT COSTS FROM $9,988,000 TO $6,886,434; AUTHORIZING RETURN TO FDOT OF ANY PORTION OF FDOT'S CURRENT FUNDING UNDER THE SJPA THAT EXCEEDS FIFTY PERCENT OF FINAL PROJECT COSTS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and documents, copies of which are incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves, ratifies, and confirms the actions of the Mayor or his designee, pursuant to the provisions of Section 2-285(6) of the Miami-Dade County Code, in accepting and executing a Supplemental Joint Participation Agreement (SJPA) Number 1 between Miami-Dade County and the Florida Department of Transportation (FDOT) for Financial Project No. 42344419401 to reflect a reduction in FDOT's funding due to a reduction in the estimated project costs from the original estimate of $9,988,000 to the current estimated project costs of $6,886,434, with FDOT's 50% funding of such reduced project costs being in the amount of $3,443,217; authorizes the Mayor or Designee to return to FDOT from available Aviation Department funds any portion of FDOT's 50% funding of the project that exceeds 50% of the final project costs.

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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 21st day of January, 2010. 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. DM/for

Thomas P. Abbott

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT
Number One

Financial Project No.: 42344419401 (item-segment-phase-sequence)	Fund: DDR	FLAIR Approp.: 088719
	Function: 215	FLAIR Obj.: 750004
	Federal No.:	Org. Code: 5506220628
Contract No.: AP779	DUNS No.:	Vendor No.: F596000573258
Catalog of Federal Domestic Assistance Number:		Catalog of State Financial Assistance Number: 55.004

THIS AGREEMENT, made and entered into this _____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter referred to as the Department, and Miami-Dade County Aviation Department P.O. Box 025504, Miami, FL 33102-5504 hereinafter referred to as Agency.

W I T N E S S E T H :

WHEREAS, the Department and the Agency heretofore on the 23rd day of December ,2008, entered into a Joint Participation Agreement; and

WHEREAS, the Agency desires to accomplish certain project items as outlined in the Attachment "A" appended hereto; and

WHEREAS, the Department desires to participate in all eligible items for this project as outlined in Attachment "A" for a total Department Share of $3,443,217.00.

NOW, THEREFORE THIS INDENTURE WITNESSETH: that for and in consideration of the mutual benefits to flow from each to the other, the parties hereto agree that the above described Joint Participation Agreement is to be amended and supplemented as follows:

1.00 Project Description: The project description is amended
Reduction of funding for this project by 1,550,783.00 due to the March 2009 Revenue Estimating Conference Reductions.

2.00 Project Cost:

Paragraph 3.00 of said Agreement is decreased by $-3,101,566.00

bringing the revised total cost of the project to $ 6,886,434.00 .

Paragraph 4.00 of said Agreement is decreased by $-1,550,783.00

bringing the Department's revised total cost of the project to $ 3,443,217.00 .

3.00 Amended Exhibits:

Exhibit(s) B of said Agreement is amended by Attachment "A".

4.00 Contract Time:

Paragraph 18.00 of said Agreement June 30th ,2012 .

Financial Project No. 42344419401

Contract No. AP779

Agreement Date _____ ,

Except as hereby modified, amended or changed, all other terms of said Agreement dated December 23rd 2008 and any subsequent supplements shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

AGENCY

Miami-Dade County Aviation Department
AGENCY NAME

José Abrev
SIGNATORY (PRINTED OR TYPED)

SIGNATURE

Director
TITLE

FDOT

See attached Encumbrance Form for date of Funding Approval by Comptroller

LEGAL REVIEW
DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

D6-Director of Transportation Development
TITLE

Approved as to form
and legal sufficiency

Assistant County Attorney

COUNTY COMMISSIONERS DADE COUNTY FLORIDA

9/25/2009

Financial Project No. 42344419401

Contract No. AP779

Agreement Date _____

ATTACHMENT "A"
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

This Attachment forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and Miami-Dade County Aviation Department P.O. Box 025504, Miami, FL 33102-5504 dated _____ .

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

Reduction of funds due to March 2009 Revenue Estimating Conference.

I.	Project Cost:	As Approved	As Amended	Net
		$9,988,000.00	$6,886,434.00	$-3,101,566.00
	Total Project Cost	$9,988,000.00	$6,886,434.00	$-3,101,566.00

I.	Fund	As Approved	As Amended	Net
	Department:	$4,994,000.00	$3,443,217.00	$-1,550,783.00
	Agency:	$4,994,000.00	$3,443,217.00	$-1,550,783.00
		$0.00	$0.00	$0.00
	Total Project Cost	$9,988,000.00	$6,886,434.00	$-3,101,566.00

Comments:

III. MULTI-YEAR OR PREQUALIFIED PROJECT FUNDING

If a project is a multi-year or prequalified project subject to paragraphs 4.10 and 17.20 of this agreement, funds are programmed in the Department's Work program in the following fiscal year(s):

FY	$0.00	FY	$0.00
FY	$0.00	FY	$0.00
FY	$0.00	FY	$0.00
FY	$0.00	FY	$0.00
FY	$0.00	FY	$0.00
FY	$0.00	FY	$0.00
FY	$0.00	FY	$0.00
FY	$0.00	FY	$0.00
FY	$0.00	FY	$0.00
FY	$0.00	FY	$0.00

Project years may be advanced or deferred subject to Legislative appropriation or availabity of funds.