Memorandum

MIAMI-DADE COUNTY

Date: February 2, 2010

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

Agenda Item No. 9(A)(7)

From: George M. Burgess
County Manager

Subject: Implementing Order Establishing Process and Guidelines for the preparation and implementation of Public Involvement Plans (PIPs) for County construction projects, Joint Participation Agreements (JPAs) and Interlocal Agreements.

This item was amended at the January 13, 2010 Transit, Infrastructure and Roads Committee to include a provision that Exemption Section of the Implementing Order state that exemptions from the provisions of the PIP shall be reported to the Board of County Commissioners.

Recommendation

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution approving an Implementing Order (IO) establishing the process and guidelines for the preparation and implementation of Public Involvement Plans (PIPs) for County construction projects, joint participation agreements (JPAs) and interlocal agreements.

Scope

This item impacts County construction projects, JPAs and interlocal agreements that exceed $1 million in construction cost and adversely impact neighboring businesses, schools and residents.

Fiscal Impact/Funding Source

The actions undertaken pursuant to this Implementing Order will be budgeted as part of the total project cost for the individual projects where this Implementing Order is applied.

Track Record/Monitor

The responsible party for monitoring County construction projects is the Director, Office of Capital Improvements (OCI). Individual departments implementing construction projects are responsible for the implementation of PIPs for their respective projects.

Delegation of Authority

There is no additional delegation of authority related to this item.

Background

The accompanying IO formalizes current process and guidelines for the preparation and implementation of Public Involvement Plans (PIPs) in County construction projects, JPAs and interlocal agreements that exceed $1 million in construction cost and that adversely impact neighboring businesses, schools and residents. As directed by the Board, OCI studied the Florida Department of Transportation's (FDOT) PIP and used it as a model for Miami-Dade County projects.

The Office of Capital Improvements presented the Citizens Independent Transportation Trust (CITT) with a draft of the Public Involvement Plan modeled after the FDOT plan and received favorable feedback from this body.

All County departments or recipients of County capital improvement funding are required to implement a PIP for capital improvement infrastructure projects exceeding $1 million in construction cost and that adversely impact neighboring businesses, schools and residents. The use of PIPs for capital

adversely impact neighboring businesses, schools and residents. The use of PIPs for capital improvement projects with a construction cost of less than $1 million is left to the discretion of the responsible department. The PIP may include, but is not limited to, public meetings, field assessments, innovative design, contracting and construction management and evaluation techniques to minimize the disrupting effects of forthcoming infrastructure improvement projects. In the event of an emergency, the Mayor or his designee may waive PIP requirements.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: February 2, 2010

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

SUBJECT: Agenda Item No. 9(A)(7)

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. 9(A)(7)

2-2-10

RESOLUTION NO. _____

RESOLUTION APPROVING IMPLEMENTING ORDER 10-13 ESTABLISHING A PROCESS AND GUIDELINES FOR THE PREPARATION AND IMPLEMENTATION OF PUBLIC INVOLVEMENT PLANS (PIPs) FOR COUNTY CONSTRUCTION PROJECTS, JOINT PARTICIPATION AGREEMENTS (JPAs) AND INTERLOCAL AGREEMENTS THAT EXCEED $1 MILLION IN CONSTRUCTION COSTS AND THAT ADVERSELY IMPACT NEIGHBORING BUSINESSES, SCHOOLS AND RESIDENTS AND AUTHORIZING THE COUNTY MAYOR TO EXERCISE ANY AND ALL RIGHTS CONFERRED IN THE IMPLEMENTING ORDER

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum and Implementing Order, 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 the attached Implementing Order 10-13 establishing a process and guidelines for the preparation and implementation of Public Involvement Plans (PIPs) in all County construction contracts, Joint Participation Agreements (JPAs) and interlocal agreements in excess of $1 million in construction costs that may adversely impact neighboring businesses, schools and residents, in substantially the form attached hereto and made a part hereof, and authorizes the County Manager to exercise any and all rights conferred 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:

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of February, 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.

Bruce Libhaber

I.O. No.: 10-13
Ordered:
Effective:

MIAMI-DADE COUNTY
IMPLEMENTING ORDER

PUBLIC INVOLVEMENT PLAN

AUTHORITY:
Section 5.02 of the Miami-Dade County Home Rule Amendment and Charter, Section 2-8.1 of the Code of Miami-Dade County and Resolution R-273-05 of Miami-Dade County.

POLICY:
It is the policy of Miami-Dade County to implement Public Involvement Plans (PIPs) as part of major capital improvement projects that may adversely impact neighboring businesses, schools and/or residents.

Unless otherwise precluded by state or federal law, all County departments or recipients of County capital improvement funding are required to incorporate a PIP as a component of capital improvement infrastructure projects exceeding $1 million in construction cost.

The PIP may include, but is not limited to, public meetings, field assessments, innovative design, contracting construction management and evaluation techniques to minimize the disrupting effects of forthcoming infrastructure improvement projects. In the event of an emergency, the County Mayor or the County Mayor's designee may waive PIP requirements.

Additionally, department directors are encouraged to develop PIPs for other projects as appropriate, in accordance with the guidelines outlined below.

EXEMPTIONS:
Exemptions from the requirements of this Implementing Order include, but are not limited to:

- Internal renovations of existing County structures with no adverse impact on the surrounding area,
- Water and Sewer projects located within the property boundaries of their treatment plants,
- Solid Waste projects located within their facility boundaries,
- Seaport projects located within their property boundaries,
- Parks projects located within their property boundaries,
- Aviation projects located within their property boundaries and
- Transit projects located within stations or Transit facilities.

County Departments may request an exemption from the requirements of this Implementing Order for other situations not listed herein by submitting an exemption request to their respective Assistant County Manager for review and approval. Such exemption from the provisions of the PIP shall be reported to the Board of County Commissioners.

OBJECTIVE:
The objective of the PIP is to notify local governments, affected property owners, tenants, business owners, schools and the public at large of the proposed design, construction and anticipated impact of that construction. The process should allow for the resolution of controversial issues during early planning and design and as they come up later during construction. The areas of specific concerns are:

1. Access to property owners, business owners, and merchants
2. Drainage
3. Maintenance of Traffic (MOT)
4. Construction Schedule with respect to restricting working hours during peak hours, longer workdays, night work, weekend work, holiday restrictions and incentive/disincentive clauses
5. Contract time with emphasis on minimizing duration and consequent impact to the public

PUBLIC INVOLVEMENT PLAN (PIP) LEVELS

The Public Involvement Level categories identified below are intended to assist departments in determining the appropriate level of public involvement for their respective projects. Each specific plan shall be prepared taking into consideration unique project circumstances. Levels listed below are to be used as a guide only. Designation of level does not in any way restrict or designate required actions. The level designation may be used as a rule of thumb in considering the use of each option but does not replace good judgment. The project manager shall designate the project according to the Public Involvement Level as listed below:

1. **Level 1** - Project is non-controversial, causes negligible accessibility and minimal traffic disruption. Examples are:

    a. Buildings outside roadway right-of-way
    b. Small buildings or facilities with minimal impact to the public right-of-way
    c. Work outside roadway
    d. Simple rural resurfacing
    e. Minor signal work
    f. Pavement markings
    g. Bridge painting and repair outside of traffic area

2. **Level 2** - Project has general public acceptance, little or no impact on access and moderate degree of traffic disruption. Examples are:

    a. Moderate-size buildings or facilities with minimal impact to public right-of-way
    b. Urban resurfacing
    c. All work requiring traffic lane closure

3. **Level 3** - Project may be controversial, will significantly impact traffic flow or will significantly affect accessibility to properties (temporarily or permanently). Examples are:

    a. Major building, facility or roadway reconstruction outside the public right-of-way which results in impacts to public access or to the public in general

b. Parking removal
c. Median opening/closure
d. Traffic signal removal
e. Major water/sewer main extension
f. Roadway widening
g. Transit/People Mover construction
h. Projects with detours

4. **Level 4-** Projects that require total closure, either permanent or temporary, for the duration of the construction or maintenance work. Examples are:

   a. Major building or facility directly impacting the public right-of-way or the public in general (solid waste facility, water & sewer treatment plants, pump stations etc.)
   b. Bridge replacement/rehabilitation
   c. Railroad crossings
   d. Subaqueous canal crossings for utilities
   e. Projects involving major environmental remediation
   f. Projects involving environmentally sensitive areas

APPLICATION OF PIP ACTIVITIES

The following table reflects PIP activities, respective impact levels and the project phases where they shall be applied:

Time of occurrence	Activity	Impact Level
Phase I (30% Design Completion)	Notice of access impact to affected property owners	1,2,3,4
Phase II (60% Design Completion)	Letter to neighbors with flyer/brochure, invitations (mass mailing) to project information workshop with property and business owners and interested public to solicit comments. Meeting with municipalities, County agencies and elected officials	2,3,4
Phase II and III (90% Design Completion)	Notice to municipalities and County agencies to solicit comments	2,3,4
All phase reviews	Phase reviews to municipalities and County officials and staff to solicit comments and concurrence	1,2,3,4
As required	Presentation(s) to municipalities, MPO, County Commission, legislators, civic and community groups and other interested public regarding design, impacts and construction status	3,4
One month prior to start of construction	Pre-construction meeting with contractor, appropriate sub-contractors, County staff, City staff and utility companies. Mass mailing of letter to neighbors including flyer/brochure with construction dates and specific project impact to traffic(*). Notify District County Commissioner.	1,2,3,4
Two to four weeks prior to start of construction	Pre-construction public information meeting/open house for all interested persons to review plans, construction schedule and traffic impacts, particularly dates of total closure	2,3,4
One week prior to start of construction	News release of project start date, pertinent project information and specific traffic impact information	1,2,3,4
Throughout construction	Weekly news releases with specific traffic impact information, as warranted and as information changes	1,2,3,4
At start of construction and throughout as needed	Mass mailing of project impact, information flyers, mainly with total closures	4

(*) Notification shall contain but not be limited to the anticipated date of commencement of the project, the expected duration and, in the event that the project involves the temporary closing of a road or sidewalk or a portion of road or sidewalk, the anticipated period of such closure.

COMPONENTS OF PIP PLAN

All County departments or recipients of County capital improvement funding through Joint Participation Agreement (JPA) or interlocal agreement for projects exceeding $1 million in construction cost, and that may adversely impact neighboring businesses, schools and residents, shall at a minimum, develop and implement a proposed PIP plan prior to achieving **fifty-percent (50%)** design completion and a final PIP plan prior to seeking authorization to advertise for construction. The final PIP plan shall incorporate the following as appropriate for the project:

- Identify each business or school within the project limits and, if the project is a major roadway, building or facility (such as those listed under Level 3 and 4), the extended project limits (¼ mile outside project limits), days and hours of construction operations and peak traffic periods, square footage, number of dedicated parking places, number of customers or students, deliveries (if scheduled) and contact person information.

- Identify specific strategies to maintain ingress and egress to businesses and schools within the extended project limits.

- Identify the number of days the project will directly and indirectly disrupt the businesses' or schools' access or parking within the extended project limits.

- Include a Maintenance-of-Traffic plan to maximize access to businesses and schools during peak traffic periods (customer or student and vehicular), scheduled deliveries and considering all hours of operation.

- Include a parking plan to maximize access to businesses and schools during peak traffic periods (customer or student and vehicular) and scheduled deliveries, and all hours of operations.

- Include a parking plan to minimize construction project and subsequent operational noise or odor in consideration of all in the vicinity of the improvement.

- Identify construction implementation methodologies that will be utilized to mitigate disruption to businesses and schools within the extended project limits. Each department or funding recipient will be responsible for minimizing the impact of its projects through close adherence to project construction schedules, breaking the project into segments, enforcing work performance in accordance with applicable specifications, working nights and weekends, and/or offering bonus incentives for early completion in addition to strictly enforcing the assessment of liquidated damages related to contractor delays.

- Identify promotional techniques (in addition to supplemental signage) to inform the community on how to access the affected businesses and schools during the construction period. Prepare and distribute promotional materials or advertisements to inform the immediate community no less than once per month that the business or school is impacted by the project. It is at the department's discretion to consider including a communications plan that provides access to project information and ensures timely notice of potential impacts via dedicated phone lines, project websites and/or dissemination of information by local media and mailings.

- It is at the department director's discretion to assign a full time Public Involvement Officer (PIO) to help with the development and implementation of the PIP. The PIO shall inform the community that the project manager shall conduct a test of their maintenance of traffic and parking plan (for a period of not less than 2 days) and then conduct a public meeting to discuss the results and effectiveness of the test prior to start of construction. The PIO shall be available to the public to address any relevant or controversial issues for the duration of the construction period.

- Conduct no less than two public meetings during design to obtain community input to the proposed and final PIP plans. Items to be discussed include project schedule, planned dates, days and hours of construction, phasing or staging, maintenance of traffic, access mitigation, promotional activities and other relevant public involvement concerns.

- Conduct a community survey no less than sixty (60) days after completion of the project to obtain feedback on the public involvement plan and on the project's implementation. The public shall provide their survey comments directly to the affected department director. The department director shall report the survey results to the County Manager.

The respective department director and its designated project manager assigned to implement and supervise the project are responsible for preparation and implementation of the PIP. The associated records shall be retained by the implementing department in writing or audio recording. The PIP records include the proposed PIP plan and initial public meeting minutes, final PIP plan and final meeting minutes, all notices and reports associated with the implementation of each project's PIP, and any reports of stagnant work, potential disruptions and the contractor's progress. County departments shall utilize the Capital Improvements Information System (CIIS) to report on project progress or any foreseen delays.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County.

_____

County Mayor

Approved by the County Attorney as
to form and legal sufficiency _____.

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

Legislative Notes

Agenda Item:	9(A)7
File Number:	100120
Committee(s) of Reference:	Board of County Commissioners
Date of Analysis:	January 13, 2010
Type of Item:	Resolution

Summary
This resolution establishes an Implementing Order (IO) which includes processes and guidelines for the County's Public Involvement Plan (PIP) for County construction cost, Joint Participation Agreements and Interlocal Agreements that exceed $1 million.

The Transit Infrastructure and Roads Committee amended the Exemption Section in the IO on January 13, 2010 to state that any exemption from the provisions of the PIP granted by the County Mayor or Mayor's designee will be reported to the Board of County Commissioners.

Interlocal Agreements was added after

On handwritten page 6, it states:

> "County departments may request an exemption from the requirements from this IO for other situations not listed herein by submitting an exemption request to their respective Assistant County Manager for review and approval."

Question: Will the public be notified when an exemption is authorized by the Assistant County Manager?

Background and Relevant Information
Through a memorandum dated August 31, 2006, the County Manager directed the Office of Capital Improvements (OCI) and all County departments that conduct construction-related activities, to ensure that the PIP is incorporated in all projects in excess of $1 million that may adversely impact neighboring businesses.

OCI provides support services to 19 County departments and agencies for a wide range of pre-construction and construction activities with more than 1,500 capital projects now underway or in planning stages throughout Miami-Dade. This includes the $2.9 billion voter-approved Building Better Communities Bond Program

OCI also monitors federal, state and local legislative initiatives to ensure that projects meet regulatory requirements and works closely with Miami-Dade departments and the County Attorney's Office to

mitigate construction claims and ensure that the County's relationship with construction industry remains fair and balanced. OCI provides in-house resources to prepare and solicit architectural, engineering contracts and construction contracts and works with outside consultants to coordinate these activities with County departments who have direct oversight for capital construction.

According to a People's Transportation Plan 90-Day Report dated January 20, 2006, the County Manager delegated the PIP to the OCI for final public input and final development. An outreach brochure soliciting public comments was developed by OCI.

Prepared by: Michael Amador-Gil