Memorandum

MIAMI-DADE COUNTY

Date: May 4, 2010

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

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

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the Execution of a Supplemental Joint Participation Agreement with the Florida Department of Transportation to Provide Additional State Funding for a Park and Ride Facility at the Florida Power & Light Site on SW 127th Avenue Near Kendall Drive in the Amount of $379,900

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) authorize the execution of a Supplemental Joint Participation Agreement (SJPA) in substantially the form attached hereto with the Florida Department of Transportation (FDOT) to provide additional State funding in the amount of $379,900 and add the additional eligible expenses for leasing, final design, Construction Engineering and Inspection (CEI) services and design services during construction of a Park and Ride facility at the Florida Power and Light (FP&L) site on SW 127th Avenue near Kendall Drive.

It is further recommended that the Board authorize the receipt and expenditure of funds as specified in the Agreement. An equal match of $379,900 will be provided from proceeds from the Local Option Gas Tax (LOGT) and the Charter County Transit System Surtax (Surtax).

SCOPE

While this park and ride lot is physically located within Commission District 10, the impact of the project benefits the riding public, and is therefore, countywide.

FISCAL IMPACT/FUNDING SOURCE

The State's $379,900 funding contribution would be matched equally by Miami-Dade County with $379,900 from LOGT and Surtax funds.

TRACK RECORD/MONITOR

MDT has entered into numerous funding agreements with FDOT over the course of more than twenty-five (25) years. The project manager for this grant application is Patricia Barry, Administrative Officer 3, MDT Financial Services.

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which include authority for the Mayor or designee to execute the agreement, receive and these and any additional funds should they become available.

BACKGROUND

The State of Florida's Park and Ride Lot Program was initiated in 1982 to provide organized, safe parking for vehicles constantly congregating on roadsides. Initially, park and ride lots were constructed on publicly owned land such as rights of way, park lands and state owned land. Chapter 341 of the Florida Statutes (F.S.) provides for the purchase and/or leasing of private land for the construction of park and ride lots, the promotion of these lots, and the monitoring of their usage. This program is an

integral part of the commuter assistance program efforts to encourage the use of transit carpools, vanpools, and other high occupancy modes. It is essential in an effort to meet federal, state, regional and local goals for reducing single occupant vehicle travel.

The total estimated project cost is 2.759 million. On June 5, 2007, the Board approved an initial $1,000,000 in FDOT Park and Ride Lot Program funds for land acquisition and construction through a Joint Participation Agreement (JPA) authorized by Resolution No. 677-07; this amount was equally matched by the County. This SJPA is a revised scope of the agreement, which includes leasing, final design and CEI services. The total funding received for this project to date is $1,379,900. The remaining $379,900 will be provided from LOGT and PTP funds.

The FDOT plan for Miami-Dade County was based on the demand for Park and Ride use in association with "kiss and ride", carpool, and local and premium bus service. The proposed Park and Ride lot, currently owned by FP&L consist of three different parcels totaling approximately 2.3 acres. MDT and FPL are negotiating a license/lease agreement for these three parcels. The license/lease agreement is being worked on in conjunction with FPL's proposed project (overhead transmission lines) from SW 57th Avenue to SW 38th Court along Ponce de Leon and encroaching into MDT right-of-way. This license/lease agreement will be presented to the Board for approval through a separate item.

This surface lot will provide parking for approximately 150 vehicles and is scheduled to be completed in the Spring of 2011. Routes 88 and 288 (Kendall KAT) currently serve this location. The planned Kendall Enhanced Bus (KEB) service is anticipated to replace the Kendall KAT with improved service; therefore, this park and ride lot will be important for the future support of the KEB project.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: May 4, 2010

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

SUBJECT: Agenda Item No. 8(J)(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(J)(1)(B)
5-4-10

RESOLUTION NO. _____

RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO PROVIDE ADDITIONAL STATE FUNDING IN THE AMOUNT OF $379,900 FOR A PARK AND RIDE FACILITY AT THE FLORIDA POWER & LIGHT SITE (FP&L) ON SW 127TH AVENUE NEAR KENDALL DRIVE; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE SJPA; AUTHORIZING RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE AS SPECIFIED IN THE SJPA; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS AS A MATCH FOR THE JOINT PARTICIPATION AGREEMENT (JPA) AND THE SJPA

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

WHEREAS, the State of Florida is authorized to enter into agreements to provide State funding for transportation programs and projects,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. That this Board approves the agreement between Miami-Dade County and the Florida Department of Transportation, in substantially the form attached hereto and made a part hereof, in the amount of $379,900 for leasing, final design, CEI services and design services during construction of a park and ride lot facility at the Florida Power & Light site on SW 127th Avenue near Kendall Drive.

Section 2. That this Board further authorizes the Mayor, Mayor's designee, or Miami-Dade Transit Director, to execute such contracts and agreements as are approved by the County Attorney's Office; to receive and expend funds in accordance with such aforementioned contracts and agreements; to receive and expend any additional funds should they become available; and to file and execute any additional agreements, revisions, or amendments as required to carry out the projects for and on behalf of Miami-Dade County, Florida.

Section 3. That the County staff is authorized to furnish such additional information as the FDOT may require in connection with the application for the improvement.

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 4th day of May, 2010. This resolution shall become effective as follows: (1) 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, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

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

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT
Number ONE

Financial Project No.: 42058719401 (item-segment-phase-sequence)	Fund: DDR/DS/DPTO	FLAIR Category: 088774
	Function: 639	Object Code: 750011
	Federal No.: N/A	Org. Code: 55062020629
Contract No.: AOM87	DUNS No.: N/A	Vendor No.: F596000573129
Catalog of Federal Domestic Assistance Number: N/A		Catalog of State Financial Assistance Number: 55011

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 TRANSIT 701 NW FIRST COURT STE 1300, MIAMI, FL 33136 hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 27th day of June ,2007, 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 $1,379,900.00.

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 to revise the scope of the agreement to include as eligible costs: leasing, final design, CEI services & design services during construction. In addition, additional Department Park and Ride Lot Program funding is provided for this facility to be located on SW 127th Avenue near Kendall Drive (SR 94). State Participation Rate is 50% of eligible project costs.

2.00 Project Cost:

Paragraph 3.00 of said Agreement is increased by $759,800.00

bringing the revised total cost of the project to $ 2,759,800.00.

Paragraph 4.00 of said Agreement is increased by $379,900.00

bringing the Department's revised total cost of the project to $ 1,379,900.00.

3.00 Amended Exhibits:

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

4.00 Contract Time:

Paragraph 18.00 of said Agreement March 31st ,2011.

Financial Project No. 42058719401

Contract No. AOM87

Agreement Date _____

Except as hereby modified, amended or changed, all other terms of said Agreement dated June 27th 2007 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 TRANSIT
AGENCY NAME

SIGNATORY (PRINTED OR TYPED)

SIGNATURE

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

Carson, Ed

From: The job FI989HLR
Sent: Wednesday, February 10, 2010 3:29 PM
To: Carson, Ed
Subject: FUNDS APPROVAL/REVIEWED FOR CONTRACT AOM87

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL

Contract **#AOM87** Contract Type: AH Method of Procurement: G
Vendor Name: **MIAMI-DADE TRANSIT**
Vendor ID: VF596000573129
Beginning date of this Agmt: 06/27/07
Ending date of this Agmt: 03/31/11
Contract Total/Budgetary Ceiling: ct = **$1,379,900.00**
****
Description: SJPA # 1
MDT- Development of Park& Ride Facility on FPL site at
SW 127 Ave near Kendall Drive (leasing,land acq final design & cst).
SPR 50%
****

```
ORG-CODE      *EO  *OBJECT *AMOUNT           *FIN PROJECT  *FCT  *CFDA
(FISCAL YEAR)      *BUDGET ENTITY            *CATEGORY/CAT YEAR
AMENDMENT ID       *SEQ.   *USER ASSIGNED ID *ENC LINE(6S)/STATUS
**********************************************************************
```

Action: SUPPLEMENTAL Funds have been: APPROVED

```
55 062020629 *PT  *750011  *      350000.00 *42058719401  *639  *
2010              *55100100                 *088774/10
S002              *00      *   ONE          *0003/04
----------------------------------------------------------------------
         TOTAL AMOUNT:   *$      350,000.00 *
----------------------------------------------------------------------
```

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER
DATE: 02/10/2010

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Carson, Ed

From: The job FI989HLR
Sent: Thursday, December 31, 2009 2:43 PM
To: Carson, Ed
Subject: FUNDS APPROVAL/REVIEWED FOR CONTRACT AOM87

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL

Contract **#AOM87** Contract Type: AH Method of Procurement: G
Vendor Name: **MIAMI-DADE TRANSIT**
Vendor ID: VF596000573129
Beginning date of this Agmt: 06/27/07
Ending date of this Agmt: 03/31/11
Contract Total/Budgetary Ceiling: ct = $1,029,900.00
****
Description:
MDT- Development of Park & Ride Facility on FPL site at SW 127
Ave near Kendall Drive (leasing, land acq, final design & cst). SPR 50%
****

```
ORG-CODE      *EO  *OBJECT *AMOUNT            *FIN PROJECT  *FCT  *CFDA
(FISCAL YEAR)      *BUDGET ENTITY             *CATEGORY/CAT YEAR
AMENDMENT ID       *SEQ.   *USER ASSIGNED ID *ENC LINE(6S)/STATUS
```
****
Action: SUPPLEMENTAL Funds have been: APPROVED

```
55 062020629 *PT  *750011  *       29900.00 *42058719401  *639  *
2010              *55100100                 *088774/10
S001              *00      *   ONE          *0002/04
```

TOTAL AMOUNT: *$ **29,900.00** *

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER
DATE: 12/31/2009

11

The job FI989HLR; user I.D. FI989HL <MVS@DOT>
11/22/2006 02:33 PM

To PL630CD@dot.state.fl.us
cc
bcc
Subject FUNDS APPROVAL/REVIEWED FOR CONTRACT AOM87

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL

Contract #AOM87 Contract Type: AH Method of Procurement: G
Vendor Name: MIAMI-DADE TRANS
Vendor ID: VF596000573129
Beginning date of this Agmt: 03/01/07
Ending date of this Agmt: 09/30/09
Contract Total/Budgetary Ceiling: ct = $1,000,000.00

****
Description:
MDTA- Development of Park & Ride Facility on FPL site at SW 127 Ave near Kendall Drive (land acq & cst). SPR 50%

****

ORG-CODE	*EO	*OBJECT	*AMOUNT	*FIN PROJECT	*FCT	*CFDA
(FISCAL YEAR)		*BUDGET ENTITY		*CATEGORY/CAT YEAR		
AMENDMENT ID		*SEQ.	*USER ASSIGNED ID	*ENC LINE(6S)/STATUS		

****

Action: ORIGINAL Funds have been: APPROVED

55 062020629	*PT	*750011 *	1000000.00	*42058719401	*639	*
2007		*55100100		*088774/07		
0001		*00 *		*0001/04		

TOTAL AMOUNT: *$ 1,000,000.00 *

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER
DATE: 11/22/2006

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Financial Project No. 42058719401

Contract No. AOM87

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 TRANSIT 701 NW FIRST COURT STE 1300, MIAMI, FL 33136 dated 6/27/2007 .

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

Scope change to add additional eligible costs and to add funding. Leasing, final design, CEI & design services during constructiion are added as eligible expenses.

I.	Project Cost:	As Approved	As Amended	Net
		$2,000,000.00	$2,759,800.00	$759,800.00
	Total Project Cost	$2,000,000.00	$2,759,800.00	$759,800.00

I.	Fund	As Approved	As Amended	Net
	Department:	$1,000,000.00	$1,379,900.00	$379,900.00
	Agency:	$1,000,000.00	$1,379,900.00	$379,900.00
		$0.00	$0.00	$0.00
	Total Project Cost	$2,000,000.00	$2,759,800.00	$759,800.00

Comments:

Exhibit C is amended to include: Any lease executed for this project shall have an initial term of no less than thirty (30) years. If the subject property is no longer used for its public transportation purpose under this agreement during its initital term, then the Department shall have its proportional share of the project cost reimbursed to it in accordance with Paragraph 14.80 of this Agreement. The Department shall review and approve any lease agreements prior to execution by the Agency for this project.