Memorandum

MIAMI-DADE COUNTY

Date: May 9, 2011

RTC
Agenda Item No. 3(A)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager

Subject: Ratification of Acceptance and Execution of Supplemental Joint Participation Agreement No. 3 (Agreement No. 40556519403) with the Florida Department of Transportation to provide additional funding for the MIC MIA-Mover project in the amount of $363,291

RECOMMENDATION

It is recommended that the Board approve the attached resolution ratifying the actions of the Mayor's Designee, pursuant to the 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 the attached Supplemental Joint Participation Agreement No. 3 (SJPA No. 3) with the Florida Department of Transportation (FDOT) (Agreement No. 40556519403). SJPA No. 3 amends the project description to exclude certain construction tasks at the MIC (Miami Intermodal Center) Station from Miami-Dade Aviation Department's (MDAD) contract with Parsons Odebrecht Joint Venture (POJV) and transfers $363,291 in reprogrammed FDOT grant funds from the Kendall-Tamiami Runway Extension project.

SCOPE

The project associated with this SJPA No. 3 is located within Commissioner Rebeca Sosa's District Six; however, the impact of this project is Countywide in nature as Miami International Airport (MIA) is a regional asset.

FISCAL IMPACT

There is no fiscal impact to the County General Fund as a result of SJPA No. 3. Under the original JPA as amended, FDOT agreed to provide funding at a certain level to help defray the costs of certain elements of the MIA Mover Project. SJPA No. 2 provided funding for certain terrazzo flooring tasks that MDAD's MIA Mover Design-Build-Operate-Maintain (D-BOM) contractor POJV would have accomplished at the MIC Station site; however, because FDOT itself through its contractor, Turner Inc., completed the terrazzo flooring at its own cost, there was no need for the additional grant funding under SJPA No. 2. SJPA No. 3 effectively reverses SJPA No. 2 and amends the project description to exclude from the project both the terrazzo flooring work authorized under SJPA No. 2 and the funding allowed for the work. As a result of such exclusion of work and the transfer of reprogrammed grant funds from the Kendall-Tamiami Runway Extension project, SJPA No. 3 provides a net additional FDOT funding for the MIA Mover Project of $363,291.

PROJECT MONITOR

The MIA Mover Project is managed by Pedro Hernandez, P.E., MDAD Division Director of Civil Environmental Engineering, and Franklin Stirrup, P.E., MDAD Project Manager. The SJPA is managed by Norma Mata, MDAD Chief of Aviation Grants.

BACKGROUND

The MIA Mover Project consists of the design, construction, operation and maintenance of an elevated automated people mover system (APM). The APM will provide a convenient and reliable means for transporting passengers between MIA and the MIC, which includes the recently completed Consolidated Rental Car Center (RCC) (formerly called the Rental Car Facility). The MIA Mover is a critical link between MIA and the MIC which makes the MIC economically viable. Once the MIA Mover is in operation, there will be fewer vehicles on the MIA access roads, reducing greenhouse gas emissions and improving MIA's air quality.

As a result of an updated Joint Participation Agreement of 2005 between the County and FDOT, FDOT agreed to contribute the net sum of $66,526,733 toward the MIC MIA Project. On March 3, 2009, by Resolution No. R-159-09, the County approved FDOT's agreement under SJPA No. 1 to add an additional contribution of $34,000,700 for the project for a total contribution of $100,527,433. In December 2009, SJPA No. 2 added yet another contribution of $686,604 to defray the costs of construction of terrazzo flooring for a total FDOT contribution of $101,214,037.

Following FDOT's execution of SJPA No. 2, FDOT paid for and completed the terrazzo flooring and other work at the MIC Station through its own contractor. This was done for a number of crucial reasons: (1) to maintain the schedule established for FDOT to complete the MIC Station and MDAD to complete the APM system guide way and other work within the facility; (2) to benefit both contractors from having to coordinate work at the MIC Station at the same time; (3) to prevent the contractors from having to undo one another's work; and (4) to ensure timely and seamless delivery of the projects. Because FDOT completed the work, it was not necessary for MDAD's contractor to complete the terrazzo flooring and certain other overlapping work, and there was consequently no need for FDOT's grant funding under SJPA No. 2.

The elimination of the terrazzo flooring work and the elimination of the grant funding for such work is accomplished by the terms of SJPA No. 3, which effectively reverses SJPA No. 2. In addition, SJPA No. 3 makes other FDOT grant funding adjustments by adding $363,291 in reprogrammed grant funds from the Kendall-Tamiami runway extension project to this project resulting in a total FDOT contribution toward the MIC MIA Project of $100,918,569.

It is therefore recommended that the Board ratify the Mayor's Designee's actions in accepting and executing SJPA No. 3 for the MIA Mover APM System.

Assistant County Manager

MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: June 7, 2011

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

SUBJECT: Agenda Item No.

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 Agenda Item No.
Veto _____
Override _____

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 SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NO. 3 (SJPA NO. 3) (AGREEMENT NO. 40556519403) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO PROVIDE FUNDING FOR THE MIC MIA MOVER PROJECT IN THE AMOUNT OF $363,291

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is 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 Mayor's designee, pursuant to the provisions of Section 2-285(6) of the Miami-Dade County Code, in accepting and executing Supplemental Joint Participation Agreement No. 3 (SJPA No. 3) (Agreement No. 40556519403) between Miami-Dade County and the Florida Department of Transportation (FDOT) to provide funding for the MIC MIA Mover Project at Miami International Airport in the amount of $363,291.

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:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro	Lynda Bell
Jose "Pepe" Diaz	Sally A. Heyman
Barbara J. Jordan	Jean Monestime
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 7TH day of June, 2011. 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. TPA

Thomas P. Abbott

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT
Number Three

Financial Project No.: 40556519403 (Item-segment-phase-sequence)	Fund: DSB4/LF	FLAIR Category: 088809
	Function: 637	Object Code: 750098
Contract No.: ANZ95	Federal No.:	Org. Code: 55062020629
	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 Aviation Department P.O. Box 025504, Miami, FL 33102-5504 hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 15th day of June ,2005, 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 $100,918,569.00.

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

The project description is amended to exclude construction of the terrazzo flooring for the MIC-MIA Transit Connection Station from MDAD's contract with POJV. The department will add this work to their current construction contract with Turner Construction. This Amendment will also add $363,291 transferred from Tamiami Runway Extension in FY 11.

2.00 Project Cost:

Paragraph 3.00 of said Agreement is decreased by $-658,759.00 bringing the revised total cost of the project to $ 278,274,070.00.

Paragraph 4.00 of said Agreement is decreased by $-295,468.00 bringing the Department's revised total cost of the project to $ 100,918,569.00.

3.00 Amended Exhibits:

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

4.00 Contract Time:

Paragraph 18.00 of said Agreement June 30th ,2012.

5.00 E-Verify:

The Agency shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of;

1. all persons employed by the Agency during the term of the Contract to perform employment duties within Florida; and
2. all persons, including subcontractors, assigned by the Agency to perform work pursuant to the contract with the Department.

Financial Project No. 40556519403

Contract No. ANZ95

Agreement Date _____ , _____

Except as hereby modified, amended or changed, all other terms of said Agreement dated June 15th 2005 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 Aviation Department
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

Financial Project No. 40556519403

Contract No. ANZ95

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 Aviation Department P.O. Box 025504, Miami, FL 33102-5504 dated _____ .

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

The value of the terrazzo is $658,759, this amount will be deducted and $363,291 will be added to FY 11 (fund transferred from 423289 - Tamiami runway extension).

I.	Project Cost:	As Approved	As Amended	Net
		$278,932,829.00	$278,274,070.00	$-658,759.00
	Total Project Cost	$278,932,829.00	$278,274,070.00	$-658,759.00

II.	Fund	As Approved	As Amended	Net
	Department:	$101,214,037.00	$100,918,569.00	$-295,468.00
	Agency:	$164,245,525.00	$163,882,234.00	$-363,291.00
	Previous FDOT Funding	$13,473,267.00	$13,473,267.00	$0.00
	Total Project Cost	$278,932,829.00	$278,274,070.00	$-658,759.00

Comments: