



MEMORANDUM
Harvey Ruvin
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RTC
Agenda Item No. 6(A)

TO: Honorable Chairman Bruno A. Barreiro
and Members, Regional Transportation Committee

DATE: December 10, 2012

FROM: Christopher Agrippa
Division Chief, Clerk of the Board Division

SUBJECT: Approval of Commission
Committee Minutes

A handwritten signature in black ink, appearing to read "Christopher Agrippa".

The Clerk of the Board's office is submitting the following Clerk's Summary of Minutes for approval by the Regional Transportation Committee:

October 15, 2012 RTC Meeting

CA/jt
Attachment



Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

CLERK'S SUMMARY OF Meeting Minutes

Regional Transportation Committee

Bruno A. Barreiro (5) Chair; Xavier L. Suarez (7) Vice Chair; Commissioners Audrey M. Edmonson (3), Sally A. Heyman (4), Dennis C. Moss (9), and Javier D. Souto (10)

Monday, October 15, 2012

9:30 AM

COMMISSION CHAMBERS

Members Present: Bruno A. Barreiro, Audrey M. Edmonson, Sally A. Heyman, Xavier L. Suarez.

Members Absent: None.

Members Late: Dennis C. Moss 10:05:00 AM.

Members Excused: Javier D. Souto.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Jill Thornton, Commission Reporter
(305) 375-2505*

1A MOMENT OF SILENCE

1B PLEDGE OF ALLEGIANCE

Report: *The Committee convened in a moment of silence,
followed by the Pledge of Allegiance.*

1F PUBLIC HEARING

1F1

121642 Resolution

RESOLUTION DENYING AN APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO ADVANCED AMBULANCE SERVICES, LLC TO PROVIDE GROUND AMBULANCE SERVICE (Regulatory and Economic Resources)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Edmonson

Vote: 3-2

No: Barreiro, Suarez

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Chairman Barreiro opened the public hearing and the following persons appeared to make a presentation on the foregoing proposed resolution:

Mr. Fausto Gomez, representing Advanced Ambulance Services, LLC-a subsidiary of Larkin Community Hospital (Larkin/LCH), appeared before the Committee, along with Dr. Jack Michel, LCH President; Dr. Aizik Wolf, Surgeon/Director of LCH's Miami Neuroscience Center; Dr. Jorge Benito, Director of LCH's Psychiatric Unit; and other hospital officials. He noted LCH applied for a Certificate of Public Convenience and Necessity because it seeks to operate its own specialized ground ambulance services in order to transport gamma knife and psychiatric patients, only, to and from its facility. Mr. Gomez also noted that LCH would equip its ambulances with the necessary medical devices for transporting patients with specialized needs, and provide its ambulance attendants and Emergency Medical Technicians (EMTs) with advanced training in this service. He said although LCH seeks to provide only specialized ambulance services, it had to apply for a certificate providing a full range of transportation services because the County's Code has no provisions for specialized ambulance services. Mr. Gomez said he would demonstrate in his presentation that LCH fully complied with all Code requirements, and that the Department relied on an incomplete, outdated survey to assert there was no community need and recommended a denial of the application.

Dr. Jack Michel, President of LCH, appeared before the Committee and provided an overview of Larkin Community Hospital (LCH), as follows:

-LCH is a general medical, surgical and psychiatric hospital with 146 beds;

- LCH has served the South Florida community for over 40 years;
- LCH is currently the largest Osteopathic teaching hospital in the United States, with 28 specialized programs;
- LCH is 1 of 12 Statutory Teaching Hospitals in the State of Florida and 1 of 4 in Miami-Dade County (the other three hospitals are Jackson Memorial, Mount Sinai and University of Miami)
- LCH has the largest residency training program in the nation, with currently 148 physician residents/trainees;
- LCH is 1 of 2 hospitals in the County with its own nursing school (JMH is the other);
- LCH is affiliated with JMH, Borinquen Health Center, Inc (a Federally Qualified Health Center) and Miami Children's Hospital, which are medical training facilities;
- LCH is 1 of 2 psychiatric teaching hospitals in the County with a residency program (JMH is the other);
- LCH has a 46-bed psychiatric Unit; and
- LCH's Gamma Knife Center is the largest in the nation.

Mr. Michel noted only hospitals affiliated with medical schools with a graduate medical education program that exhibits at least 7 different specialty academics and 100 trainees at one time can be designated a Statutory Teaching Hospital. He also noted LCH opened its state-of-the-art Miami Neuroscience Center in January 2010, where more gamma knife procedures were performed than at the two gamma knife centers in London, England, combined. He clarified that only two Gamma Knife Perfexion machines exist in Miami, one at LCH and one at Doctors Hospital. Dr. Michel noted LCH seeks to provide specialized ambulance services in connection with these services.

Dr. Aizik L. Wolf, MD/Neurosurgeon, Miami Neuroscience Center (Center), noted Larkin's neuroradial surgery program is one of the busiest in the world, and its objective is to perform non-invasive neurosurgery, using neuroradiological techniques that aim radiation at the brain, without opening the patient's skull. He noted the procedure requires fitting the patient with a special head frame. The issue, he noted, was that gamma knife patients need to be transported from the Center to the hospital across the street for a stereotactic surgical procedure, prior to undergoing gamma knife surgery. Likewise, many patients that undergo an open surgical procedure

at the hospital are transported back to the Center to undergo a gamma knife procedure, and the potential for complications was significant, even in a short distance. He also noted the Agency of Health Care Administration required that gamma knife patients be transported by ambulance. Mr. Wolfe urged the Committee to approve the foregoing application and allow LCH its own specialized ambulatory services and training program in neurosurgical care.

Mr. Gomez addressed two memorandums from the Regulatory and Economic Resources Department, one sent to the applicant in September 2012 and one submitted for today's (10/15) agenda packet. He noted certain items contained in the memorandum sent to the applicant were omitted from the one submitted for today's agenda, which were: 1) a line indicating that the applicant was in compliance with the Code requirements; and 2) a paragraph stating that "although Advanced Ambulance Services, LLC had not demonstrated a public interest benefit or a community need for the proposed service, the applicant possessed the necessary financial strength and prerequisite management plan to sustain the operation of this proposed ambulance service in accordance with the Code; and that the benchmark response times provided by the applicant were within the parameters of being reasonably responsive to the expectation of customers, and in-line with other providers' self-imposed schedules of benchmark response times." He also noted the Department sent a memorandum to a commissioner in October 2012 stating that Larkin had met all the Code requirements, except for the community need. Mr. Gomez said that through the evidence he presented, he believed he had established that Larkin had met every Code requirement, except for the community need requirement.

Mr. Gomez addressed the results of the "Triennial Private Ambulance Service Market Survey," which the Department used as a basis for determining no community need and recommending a denial of the application. He noted his concerns regarding the survey data were as follows:

- the survey was outdated, as it was conducted in December 2010, but submitted in December 2011;
- the survey response rate was 42.4 percent, which meant that less than half of the hospitals in the county responded to it;
- page 9 of the survey indicated the survey data had limitations, and read: "it should be noted that there is a risk of non-response bias associated

with results obtained from small samples and low percentages of returned surveys;"

-the Department recognized the survey's data limitations in a memorandum it sent to a commissioner in October 2012;

-the survey reflected 13,084 basic life support transports for one year, but the Department showed 40,386 basic life support transports in its raw data for the same year;

-the survey listed a total of 9,323 licensed beds in Miami, but the Agency of Health Care Administration, which licenses beds, listed a total of 9,464 licensed beds in Miami; and

-the survey was conducted in 2010, prior to the last consensus, but the consensus reflected 243,073 more residents in the County than at the time the survey was conducted.

Mr. Gomez pointed out that stated in the memorandum submitted for today's agenda was the existing ambulance providers had expected less work due to changes in the Medicare program; however, according to the survey, 40,386 trips were made in 2010 and 44,042 trips were made in 2011, which indicated that the number of trips had increased from one year to the next. Mr. Gomez respectfully suggested that the survey was faulty.

Mr. Gomez noted LCH only wanted three units to transport only psychiatric and gamma knife patients to and from its facility, but was required by Code to apply for a minimum of five licenses. He pointed out that 26 was the average number of ambulance units per existing provider, and LCH wanted only three. He also pointed out that the Agency of Health Care Administration required gamma knife patients be transported by ambulance. Mr. Gomez said that the specialized services LCH seeks to provide would have minimal impact on the industry, and LCH's ambulances would be equipped with specialized tools for transporting gamma knife patients fitted with special head frames. He also noted LCH's EMTs would receive additional training in de-escalation techniques and restraint methods used for transporting psychiatric patients, while attending mandatory courses to become certified as technicians in mental healthcare.

Mr. Gomez concluded by noting that Larkin was asked to accept certain conditions for approval of its application and Larkin agreed to the following:
1) LCH would be limited to transporting only gamma knife and psychiatric patients to and from

its facility; 2) LCH would operate a maximum of three ambulances, rather than five; and 3) LCH would not subsequently sell its license. He noted LCH seeks to provide highly specialized ambulance services in order to provide the best possible care for its patients and county residents. Mr. Gomez expressed concern regarding a statement within the Department's memorandum submitted for today's agenda that read: 'other ambulance companies and Certificate of Public Convenience and Necessity holders felt their opposition was due in part to limitations in Medicaid and being paid less.' He said the statement seemed to indicate that more emphasis be placed on private profit than on providing a public good.

Mr. Miguel DeGrandy, Attorney representing American Medical Response, Inc (AMR), noted the reason for establishing a regulatory scheme in this industry was to limit the number of providers and maintain a high level of quality and service. He said that guaranteeing these companies a certain amount of business would enable them to expend the necessary capital for medical equipment and run a first class business. Mr. DeGrandy also noted the purpose of the process for obtaining a Certificate of Public Convenience and Necessity was to prove that a need existed in the market for additional providers and competition. He said he was not contesting the argument that Larkin was a good hospital or that it met all the Code requirements, but only that the applicant had proven a necessity. He said it was the applicant's burden to prove a necessity, and based on the Code and its methodology, the applicant had not proven it. He introduced Mr. John Halpern, AMR's Medical Director, to answer any questions.

Dr. John Halpern, Medical Director for AMR, appeared before the Committee and noted his past employment in which he served as an EMT for the New York City Emergency Medical Services, and as a military combat physician in Desert Storm. He assured Committee members that during his 15-year tenure as Medical Director at AMR, he received no complaints or incidents of adverse consequences resulting from AMR's services in transporting gamma knife patients. He said he would gladly entertain any suggestions offered by LCH or any other hospital to provide additional education or training in particular techniques for transporting specialized patients, and would incorporate them into AMR's continuing educational courses. However, he noted that as of

to date, he had not been asked to provide it. Mr. Halpern said it is the intent of AMR to provide the best possible services for Miami-Dade County.

Chairman Barreiro closed the public hearing after no one else appeared to speak.

Commissioner Heyman noted her primary concern was patient care, not just at LCH, but at any hospital that dealt with neurosurgery. She asked if the County's current ambulatory system was broken, and had the Department received any complaints from JMH or the Ryder Trauma Center or any other hospital regarding the services of the existing providers.

Mr. Mario Goderich, Assistant Director, Department of Regulatory and Economic Resources (RER), noted to his knowledge and based on departmental data, the current system was not broken. He also noted the Department has not received any complaints concerning the services of the existing providers for the past five years.

In response to Commissioner Heyman's question whether Larkin was currently able to have its patients transported from one facility to another at no cost, Mr. Goderich noted that was correct, and that a Code provision allowed for patients to be transported from one facility to another within a 1-mile radius, as long as the patient was not charged for it.

Commissioner Heyman noted she wanted this information placed on the record because she felt it was the County's priority to maintain integrity and provide the best medical care for its patients. She asked if the existing providers were currently meeting all the requirements of the Code, and had the Department received any complaints regarding their services.

Mr. Goderich noted all the existing certificate holders were currently meeting the benchmark response times, and the Department had not received any complaints on these companies.

In response to Commissioner Heyman's inquiry whether this process was partly delayed due to Larkin filing an incomplete application in August 2011, Deputy Mayor Jack Osterholt noted that was correct.

In response to Commissioner Heyman's question

whether existing ambulance providers had any outstanding violations, Mr. Goderich noted, currently, the Department had no record of violations against the existing providers.

Commissioner Heyman said she was satisfied with the services of the existing providers, and that they provided exceptional care for several hospitals that are within close proximity of each other. She also noted that nothing precluded Larkin from transporting its patients for free within a 1-mile radius. Commissioner Heyman noted she spoke with someone at JMH in the Neurology Department regarding the way neurology patients were ambulated, and the person raised no issues, except to say that the service was exceptional, regardless of the company that rendered it. Commissioner Heyman said that based on that comment and the current system not broken, she would support the Department's recommendation for a denial of the application.

Commissioner Suarez referenced an article in today's Miami Herald about a public good. He said the market had a way of determining a public convenience and necessity through price setting, without the need for government input; however, the County's current backup system for rescue provided a service without consideration of price or one's ability to pay, which was clearly a public good. He asked if it was against the law for ambulances to exceed the speed limit, except when acting in a rescue capacity. He noted he had seen some that had clearly exceeded the speed limit or ran some red lights.

Mr. Goderich noted all ambulances were required to comply with the applicable traffic laws.

Commissioner Suarez stated he believed the request for three specialized licenses to transport patients under strict conditions and controls was clearly an exception, specific to LCH, and a needed service. He also noted he felt this industry needed more competition. He said he would support the application because the requested service would not in anyway impede the County's existing ambulatory services.

Commissioner Moss noted initially, he was persuaded to support the applicant, but decided to support the Department's recommendation for a denial, after hearing additional argument and the responses to Commissioner Heyman's questions.

He asked staff to explain the difference in the survey's data, which reflected 13,084 basic life transports in one year as opposed to the Department's data that reflected 40,386 basic life transports in the same year.

Mr. Goderich explained that the survey depicted the total population of private ambulance users. He also noted a 40 percent survey response rate was tremendous for a voluntary mechanism and 11% higher than the survey conducted in 2007. He further noted that the Administration acknowledged some discrepancies in the survey's data. He pointed out the number of licensed beds came directly from State's Health Care Administration Agency, and the difference in what was reported in the July 2010 survey and the 2007 survey was 141 beds. Mr. Goderich explained that the Code was specific as to determining a community need and required the applicant bear the burden of proving a 'necessity' through verifiable documents and evidence. He noted the Department's opinion was that the applicant had not met that burden. In addition, Mr. Goderich noted that although gamma knife procedures were highly specialized, other entities, such as JMH and Doctors Hospital, performed the same surgery and transported those patients, using the existing ambulance providers.

Commissioner Moss noted the argument that LCH required specialized transportation services or capabilities to transport gamma knife patients did not hold much water since JMH and other medical facilities performed the same surgery and did not require specialized ambulatory services to transport those patients. He asked when was the last time the County issued a specialized license to a hospital.

Mr. Goderich noted, in 2009/10, the Board approved a certificate of ambulance services to Miami Children's Hospital because the entity was able to demonstrate that it provided specialty care for its patients. He also noted the existing certificate holders acknowledged that they were unable to provide that specialty service for that hospital.

Commissioner Edmonson asked why the name Advanced Ambulance Services rather than Larkin Ambulance Services, if LCH just wanted to transport specialty patients to and from its facility.

Dr. Michel responded that the name was

irrelevant, but Larkin, for legal and liability purposes, needed to create an entity that was separate and apart from the hospital, and created a Limited Liability Company (LLC). Similarly, LCH's School of Nursing was separately owned and named, but under the hospital's umbrella of services, he noted.

Commissioner Edmonson asked if both JMH and Doctor's Hospital also had a gamma knife facility.

Dr. Wolf explained that specialized ambulatory services were not required at Doctor's Hospital because it had internal capabilities for transporting patients to and from its units within the same facility; however, LCH needed to transport gamma knife patients between the Neuroscience Center and the hospital's operating room across the street. He reiterated that LCH and Doctor's Hospital were the only two hospitals in the County with gamma knife machines, and the gamma knife machine at JMH had not been used in years. He said he had performed nearly 400 gamma knife surgeries for LCH over the last nine months and Doctors Hospital had performed only nine within the same timeframe. Dr. Wolf emphasized the importance of LCH having its own specialized ambulatory services and trained EMTs to transport these patients, due to the significant potential for complications.

Responding to Commissioner Edmonson's questions whether the existing providers currently transported gamma knife patients, and had any incidents been reported regarding their services, Mr. Goderich noted it was correct that the existing providers provide this service and that the Department had not received any complaints regarding these companies in the past five years. He noted the surveys have been conducted every 36 months, since 2001.

In response to Commissioner Edmonson's question regarding whether specialized training was needed for the existing providers to provide this service, Mr. Goderich noted it was the applicant's burden to prove such a need existed and that no evidence was presented to prove the existing providers were incapable of providing this service.

Commissioner Edmonson said that based on the information presented, she would support the Administration's recommendation for a denial of the application.

Hearing no further comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented.

2 COUNTY COMMISSION

2A

121893 Resolution Sally A. Heyman

RESOLUTION WAIVING BY A TWO-THIRDS (2/3) VOTE OF THE MEMBERS PRESENT THE TERM LIMIT RESTRICTION FOR COUNTY BOARD MEMBERS AS SPECIFIED IN SECTION 2-11.38.2 OF THE CODE OF MIAMI-DADE COUNTY AND AUTHORIZING THE RE-APPOINTMENT OF JAMES A. REEDER TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT)

Forwarded to BCC with a favorable recommendation
Mover: Heyman
Seconder: Edmonson
Vote: 5-0
Absent: Souto

2B

121537 Resolution Barbara J. Jordan

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO DEVELOP PUBLIC SERVICE ANNOUNCEMENTS TO BE POSTED ON ALL MIAMI-DADE TRANSIT BUSES, METRORAILS AND METROMOVERS PERTAINING TO THE COUNTY'S DISCRIMINATION ORDINANCE AND THE RIGHTS OF RESIDENTS OF AND VISITORS TO MIAMI-DADE COUNTY; AND AUTHORIZING THE MIAMI-DADE COMMISSION ON HUMAN RIGHTS TO DEVELOP JOINT PUBLIC SERVICE ANNOUNCEMENTS WITH THE MIAMI BEACH HUMAN RIGHTS COMMITTEE FOR SIMILAR PURPOSES

Withdrawn

Report: (See Agenda Item 2B Substitute; Legislative File No. 121914)

2B SUB

121914 Resolution Barbara J. Jordan

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE AND THE MIAMI-DADE COMMISSION ON HUMAN RIGHTS TO DEVELOP A JOINT PUBLIC SERVICE ANNOUNCEMENT, AT NO COST TO THE COUNTY, WITH THE MIAMI BEACH HUMAN RIGHTS COMMITTEE REGARDING THE COUNTY'S AND THE CITY OF MIAMI BEACH'S DISCRIMINATION ORDINANCES AND THE RIGHTS OF RESIDENTS OF AND VISITORS TO MIAMI-DADE COUNTY; AND REQUIRING A REPORT FROM THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE REGARDING THE FINANCIAL AND CONTRACTUAL FEASIBILITY OF DEVELOPING, PRODUCING AND POSTING SIMILAR PUBLIC SERVICE ANNOUNCEMENTS INSIDE ALL METROBUS AND METRORAIL VEHICLES [SEE ORIGINAL ITEM UNDER FILE NO. 121537]

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Moss

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Commissioner Moss asked staff to explain what led up to this proposal.

Assistant County Attorney Terrence Smith noted at the February 2012 Miami-Dade Commission on Human Rights meeting, some members of the City of Miami Beach Committee on Human Rights (Committee) appeared and raised concerns about an increase in discrimination regarding public accommodations on Miami Beach. Subsequently, the Committee proposed a joint resolution between the City and the County to authorize posting Public Service Announcements (PSAs) on transit systems between Miami Beach and the County. However, the Commission on Human Rights adopted broader legislation urging the County to post PSA's on all public transportation systems countywide.

In response to Commissioner Moss question regarding whether the Committee provided any examples of discrimination at that meeting to prompt the Commission on Human Rights to take this action, Assistant County Attorney Smith noted he could not recall any examples presented at that meeting, but the Committee expressed the need to educate the public and Miami's visitors of their rights under the City's and County's local anti-discrimination ordinances.

Commissioner Moss asked Assistant County Attorney Terrance Smith to advise him of the kind of issues raised by the City of Miami Beach Commission on Human Rights that triggered the need for this resolution, before it was presented to the full Board.

Assistant County Attorney Smith noted as counsel for the Commission on Human Rights, he would convey this request at their next meeting, and hopefully, a City of Miami Beach representative would be present to provide further explanation.

Commissioner Heyman noted that in the past, the County posted PSAs in spaces available rather than in spaces contracted out for paid advertisements. She noted she supported this resolution, but had concerns regarding the posting of PSAs on anti-discrimination laws in place of paid advertisements. She requested language be added to this resolution that says: "when space was available."

In response to Assistant County Attorney Libhaber's request for clarification regarding whether the proposal was to amend this resolution now or prepare an amendment for the full Board of County Commissioners (BCC) consideration, Commissioner Heyman noted since the resolution had no fiscal impact to the County, she wanted it clarified to say that PSAs would be posted when space was available rather than in place of paid advertisements. She said she supported this resolution and, out of respect for the sponsor, she would support forwarding it to the BCC as presented, but would like an amendment prepared for the full Board's consideration that clarified her intent.

Assistant County Attorney Libhaber advised that he would work with the sponsor of this resolution on the request and if necessary, prepare an amendment for the Board's consideration.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented

2C

121980 Resolution

Barbara J. Jordan,

Audrey M. Edmonson, Dennis C. Moss
RESOLUTION DIRECTING THE COUNTY MAYOR TO
INVESTIGATE THE FEASIBILITY OF ESTABLISHING A
CONTRACT FOR SMALL REPAIRS AT AVIATION
DEPARTMENT FACILITIES

*Forwarded to BCC with a favorable
recommendation*

Mover: Heyman

Seconder: Moss

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read
the foregoing proposed resolution into the record,
and noted Commissioner Edmonson requested that
she be added as a co-sponsor to this resolution.*

*Commissioner Moss asked to be added as a co-
sponsor to this resolution, as well.*

*Hearing no further comments or questions, the
Committee proceeded to vote on the foregoing
proposed resolution as presented*

2D

121993 Resolution

Bruno A. Barreiro,

Jean Monestime

RESOLUTION DIRECTING THE COUNTY MAYOR OR
MAYOR'S DESIGNEE TO PROVIDE A SIGNATURE
LINE ON ALL GOLDEN AND PATRIOT PASSPORTS
ISSUED AFTER THE EFFECTIVE DATE HEREIN

*Forwarded to BCC with a favorable
recommendation*

Mover: Barreiro

Seconder: Moss

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read
the foregoing proposed resolution into the record.*

*Chairman Barreiro relinquished the Chair to Vice
Chairman Suarez and moved a motion to forward
this resolution to the County Commission with a
favorable recommendation. This motion was
seconded by Commissioner Moss, followed by
discussion.*

*Commissioner Edmonson asked if adding a
signature line to the Metrorail Golden and Patriot
Passports would make them official identification
(ID) cards.*

*Commissioner Barreiro noted that adding a
signature line to these cards meant that they could
be accepted as an official ID card and it would
facilitate any entity requiring both a picture and a
signature.*

*Responding to Commissioner Moss inquiry
whether staff had also explored the idea of
including a photo on these passports,
Commissioner Barreiro noted both passports
already included a picture.*

*Hearing no further comments or questions, the
Committee proceeded to vote on the foregoing
proposed resolution as presented*

2E

121995 Resolution

Jose "Pepe" Diaz

RESOLUTION DIRECTING THE COUNTY MAYOR OR
MAYOR'S DESIGNEE TO ENTER INTO AN AGREEMENT
WITH THE ARMED FORCES SERVICE CENTER FOR
THE CONTINUED OPERATION OF THE MILITARY
HOSPITALITY LOUNGE AT MIAMI INTERNATIONAL
AIRPORT

*Forwarded to BCC with a favorable
recommendation*

Mover: Heyman

Seconder: Suarez

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read
the foregoing proposed resolution into the record.*

*Hearing no questions or comments, the Committee
proceeded to vote on the foregoing proposed
resolution as presented.*

2F

122044 Resolution

Jose "Pepe" Diaz

RESOLUTION DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO COORDINATE WITH THE MIAMI-DADE EXPRESSWAY AUTHORITY (MDX) AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO PRIORITIZE THE DEVELOPMENT AND IMPLEMENTATION OF BUS RAPID TRANSIT ALONG STATE ROAD 836 AND FURTHER DIRECTING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO SUBMIT A PROGRESS REPORT TO THE COUNTY COMMISSION WITHIN 60 DAYS

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Moss

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Commissioner Heyman asked if 60 days was sufficient time for staff to prepare a progress report and present it to the Board of County Commissioners. She pointed out that staff would need to coordinate information with multiple outside agencies and may need more time to prepare the report.

Ms. Ysela Llorc, Director, Miami-Dade Transit, said she believed that 60 days was sufficient time to prepare and present a progress report.

In response to Commissioner Moss question whether a progress report was forthcoming on the 27th Avenue Corridor project, Ms. Llorc noted the first stages for the enhanced bus transit services along the 27th Avenue North Corridor had already been implemented.

Responding to Commissioner Suarez question regarding the intent of this resolution, Ms. Llorc noted Commissioner Diaz had expressed a desire to ensure the Bus Rapid Transit (BRT) service along the State Road 836 (Dolphin Expressway) was progressing.

Responding further to inquiries of Commissioner Suarez, Ms. Llorc explained that a lane dedicated for buses only was not contemplated for this highway, but the buses would be allowed to travel along the shoulders of the expressway as needed when traffic was slow, pursuant to State statute. She noted the challenge was getting around the construction at the Dolphin and Palmetto Expressway interchange, which required use of the shoulder.

Commissioner Suarez noted he was not sure of the intent of this resolution, since what was explained was already permitted by State law.

Ms. Llort further explained that Commissioner Diaz requested the Administration coordinate the implementation dates for the BRT service, as well as the use of the shoulders, the park and ride lots and other items needed to make this service worthy.

Commissioner Suarez asked Ms. Llort to brief him on the foregoing resolution before it was presented to the full Board.

Ms. Llort noted she would be glad to meet with any Commissioner to address their concerns and brief them on this item.

Hearing no further comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented

3 DEPARTMENTS

3A

121747 Resolution

Bruno A. Barreiro

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; APPROVING FOURTH AIR SERVICE INCENTIVE PROGRAM ("ASIP4") AT MIAMI INTERNATIONAL AIRPORT TO PROVIDE AN INCENTIVE FOR INCREASED DOMESTIC AND INTERNATIONAL PASSENGER AND CARGO FLIGHTS AT THE AIRPORT; AUTHORIZING THE MAYOR OR DESIGNEE TO PLACE SUCH PROGRAM INTO EFFECT CONSISTENT WITH FEDERAL AVIATION ADMINISTRATION REGULATIONS; AND AUTHORIZING MAYOR OR DESIGNEE TO MODIFY ASIP4 IF REQUIRED TO MEET FAA REQUIREMENTS, OR TERMINATE ASIP4 UPON A DETERMINATION THAT SUCH ACTION IS IN THE BEST INTEREST OF THE COUNTY, AND TAKE ALL STEPS NECESSARY TO COMPLY WITH ANY CONTINUING OBLIGATIONS OF THE AIRPORT UNDER PRIOR ASIPS OR TO TERMINATE SUCH ASIPS; AUTHORIZING MAYOR OR DESIGNEE TO APPROVE AND INSTITUTE FUTURE ASIP PROGRAMS FOLLOWING REVIEW BY THE COUNTY ATTORNEY, PROVIDED THAT ANY DEVIATIONS IN SUCH PROGRAMS FROM RATES AND CHARGES ESTABLISHED BY THIS BOARD AND THEIR DURATION SHALL BE IN STRICT COMPLIANCE WITH LIMITATIONS ON AIRPORT MARKETING PROGRAMS SET FORTH IN FEDERAL AVIATION ADMINISTRATION REGULATIONS AND REQUIREMENTS (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Secunder: Moss

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3B

121741 Resolution

RESOLUTION RELATING TO MIAMI INTERNATIONAL AIRPORT; RATIFYING ACTION OF MAYOR OR MAYOR'S DESIGNEE IN APPROVING AND EXECUTING, PURSUANT TO THE PROVISIONS OF SECTION 2-285(6) OF MIAMI-DADE COUNTY'S CODE, FEDERAL AVIATION ADMINISTRATION GRANT NO. 3-12-0049-065-2012 IN THE AMOUNT OF \$3,009,000 FOR THE RUNWAY 12-30 AND ASSOCIATED TAXIWAYS PAVEMENT REHABILITATION PROJECT (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Moss

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Commissioner Edmonson questioned the language under the heading 'fiscal impact' which states that it is anticipated that the Federal Aviation Administration (FAA) would fund 75% of the construction costs. She asked what would happen if the FAA failed to fund this project.

Mr. Tony Quintero, Association Aviation Director, Miami-Dade Aviation Department, noted the FAA typically funds up to 75% of these projects, but since the appropriations were subject to approval by the federal government, the funding was not guaranteed. However, he noted the funding was built into the Aviations' Capital Improvement Program (CIP), and the Department would make up the difference in the costs not funded by the FAA.

In response to Commissioner Edmonson's inquiry, Mr. Quintero affirmed that funds were set aside and available in case the FAA did not provide funding.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3C

121744 Resolution

RESOLUTION APPROVING NON-EXCLUSIVE CONTRACT FOR THE MIAMI-DADE AVIATION DEPARTMENT, PAVEMENT REPAIRS CONTRACT, PROJECT NUMBER ITB RM-6-12/15 TO GENERAL ASPHALT CO., INC. FOR A MAXIMUM AMOUNT OF \$11,159,880.13 INCLUDING THE INSPECTOR GENERAL ACCOUNT IN THE AMOUNT OF \$27,830.13, FOR A TERM OF 1095 CALENDAR DAYS AND THE OPTION TO EXTEND THE CONTRACT FOR TWO (2) ADDITIONAL ONE (1) YEAR TERMS, AND AUTHORIZING THE MAYOR TO EXECUTE SAME AND TO EXERCISE THE TERMINATION AND EXTENSION PROVISIONS CONTAINED THEREIN (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Edmonson

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

In response to Commissioner Heyman's question whether there were any outstanding issues in County contracts with General Asphalt Company, Inc., Deputy Mayor Jack Osterholt noted it was indicated by staff that there were no outstanding issues with this company.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3D

121745 Resolution

RESOLUTION RATIFYING CHANGE ORDER NO. 1 TO THE ASBESTOS HAZARDOUS MATERIAL REMOVAL CONTRACT ITB-MDAD-03-06 INCREASING THE CONTRACT BY AN AMOUNT NOT TO EXCEED \$501,250; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE CHANGE ORDER AND TO PERFORM ALL NECESSARY ACTIONS TO ENFORCE ITS TERMS (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Edmonson

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3E

121746 Resolution

RESOLUTION APPROVING PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND CDM SMITH, INC. (CDM) FOR THE STORMWATER MASTER PLAN PROJECT NO. E11-MDAD-02 AT MIAMI INTERNATIONAL AIRPORT, KENDALL-TAMIAMI EXECUTIVE AIRPORT, OPA-LOCKA EXECUTIVE AIRPORT, HOMESTEAD GENERAL AVIATION AIRPORT, AND DADE COLLIER TRAINING AND TRANSITION AIRPORT, IN AN AMOUNT NOT TO EXCEED \$1,729,312.00; AUTHORIZING COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE THE TERMINATION PROVISIONS CONTAINED THEREIN (Aviation Department)

*Forwarded to the full BCC by the
BCC Chairman
Mover: Heyman
Seconder: Edmonson
Vote: 5-0
Absent: Souto*

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

At the request of Deputy Mayor Jack Osterholt, Chairman Barreiro asked staff to prepare the appropriate memorandum requesting the Board of County Commissioners' Chairman Joe A. Martinez waive the Board's rules and allow the foregoing proposed resolution to be forwarded to the October 23, 2012 County Commission meeting for consideration.

Hearing no further comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3F

121748 Resolution

RESOLUTION RATIFYING ACTIONS OF COUNTY MAYOR OR DESIGNEE TAKEN PURSUANT TO SECTION 2-9 OF THE MIAMI-DADE COUNTY CODE, IN AUTHORIZING AND EXECUTING A COOPERATIVE AGREEMENT WITH MIAMI-DADE COUNTY, THROUGH ITS MIAMI-DADE AVIATION DEPARTMENT AND MIAMI-DADE COUNTY PUBLIC SCHOOLS, TO PROVIDE MIAMI-DADE COUNTY PUBLIC SCHOOL STUDENTS WITH DISABILITIES WITH AN APPROPRIATE EMPLOYABILITY SKILLS TRAINING LABORATORY PROGRAM AT MIAMI INTERNATIONAL AIRPORT TO REINFORCE ACQUISITION OF EMPLOYABILITY SKILLS; AND AUTHORIZING EXERCISE OF THE RENEWAL AND CANCELLATION PROVISIONS CONTAINED THEREIN (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Edmonson

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Commissioner Edmonson requested clarification regarding the language on page 1 that reflected '5 to 15 students per session' as opposed to language on page 7 that reflected 'no more than 10 students per session,' and asked which one was correct.

Ms. Bobbie Jones-Wilfork, Assistant Director of Administration, Miami-Dade Aviation Department, clarified that the correct language should read: 5 to 15 students per session.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3G

121882 Resolution

RESOLUTION RELATING TO KENDALL-TAMIAMI EXECUTIVE AIRPORT; APPROVING FARM LEASE AGREEMENT WITH LEDFORD FARMS, INC. FOR NINETY ACRES OF FARM LAND AT THE AIRPORT, FOR AN INITIAL FOUR-YEAR TERM AND FIVE ONE-YEAR EXTENSIONS THEREAFTER; FOR THE RENTAL AMOUNT OF \$47,406.30 PER YEAR; AUTHORIZING MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SUCH LEASE AGREEMENT ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE THE EXTENSION AND TERMINATION PROVISIONS THEREOF (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Edmonson

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Hearing no comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3H

121908 Resolution

RESOLUTION APPROVING AWARD OF OPERATOR AGREEMENT FOR THE ACQUISITION OF LOST AND FOUND ITEMS AT MIAMI INTERNATIONAL AIRPORT TO GOODWILL INDUSTRIES OF SOUTH FLORIDA, INC., PROVIDING FOR PAYMENTS TO THE COUNTY OF \$10,101.00, PER MONTHLY TRANSACTION, AND FOR A TERM OF TWO (2) YEARS, WITH FIVE (5) SEPARATE ONE (1) YEAR OPTIONS TO RENEW; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT AND TO EXERCISE RENEWAL AND TERMINATION PROVISIONS CONTAINED THEREIN (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Edmonson

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Commissioner Moss spoke in support of this resolution.

Chairman Barreiro asked if it was true that airport staff was allowed to go through unclaimed baggage and retain substantial valuables for auction at a later date.

Mr. Ken Pyatt, Deputy Director of Operations, Miami-Dade Aviation Department, affirmed that staff is allowed to go through unclaimed luggage and pull out cash and items of high value, as well as check the bags for any perishables and hazardous materials.

Hearing no further comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented.

31

122010 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AMENDMENTS TO THE LEASE AND CONCESSION AGREEMENTS IN THE CENTRAL TERMINAL AT MIAMI INTERNATIONAL AIRPORT BETWEEN MIAMI-DADE COUNTY AND BFC AIRPORT STORES LLC, CARRIE CONCESSIONS INC., COMMUNITELE INC., DUTY FREE AMERICAS, LLC, GLOBAL CONCESSIONS LLC, HOST INTERNATIONAL, INC., LENLYN LTD., D/B/A ICE CURRENCY SERVICES USA, SUNGLASS HUT TRADING LLC, AND WESTFIELD CONCESSION MANAGEMENT LLC, EXTENDING THE TERM OF SUCH AGREEMENTS THROUGH JANUARY 13, 2015, AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (Aviation Department)

Amended

Report: *(See Agenda Item 31 Amended; Legislative File No. 122160 for the amended version.)*

31 AMENDED

122160 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AMENDMENTS TO THE LEASE AND CONCESSION AGREEMENTS IN THE CENTRAL TERMINAL AT MIAMI INTERNATIONAL AIRPORT BETWEEN MIAMI-DADE COUNTY AND BFC AIRPORT STORES LLC, CARRIE CONCESSIONS INC., COMMUNITEL INC., DUTY FREE AMERICAS, LLC, GLOBAL CONCESSIONS LLC, HOST INTERNATIONAL, INC., LENLYN LTD., D/B/A ICE CURRENCY SERVICES USA, SUNGLASS HUT TRADING LLC, AND WESTFIELD CONCESSION MANAGEMENT LLC, EXTENDING THE TERM OF SUCH AGREEMENTS THROUGH JANUARY 13, 2015, AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ANY AND ALL OTHER RIGHTS CONFERRED THEREIN (SEE ORIGINAL ITEM UNDER FILE NO. 122010) (Aviation Department)

Forwarded to BCC with a favorable recommendation with committee amendment(s)

Mover: Moss

Seconder: Edmonson

Vote: 4-1

No: Suarez

Excused: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Commissioner Heyman expressed concern that the existing contracts for concessionaires at Miami International Airport (MIA) were due to expire at the end of this month. She asked that the foregoing resolution be waived to the next Board of County Commissioners (BCC) meeting to allow existing concessionaires to remain in place at MIA during the holidays and have ample time to stock up for the surge in sales anticipated this season.

Mr. Miguel Southwell, Deputy Director, Aviation Department, said he did not object to that request, but clarified that the existing contracts were due to expire at the end of January 2013.

Commissioner Moss commended Mr. Southwell on his involvement in the United States (US) Africa Air Transportation Summit last week. He asked if anyone had considered allowing the Aviation Department some flexibility to extend the concessionaire lease agreements beyond the stipulated expiration date, in the event the construction at the Central Terminal was delayed and the services were still needed.

Mr. Southwell noted the extension, as drafted in this resolution, did not give the Department that leeway and staff would need to return before the County Commissioners to make that request.

In response to Commissioner Moss inquiry

whether the Department would be interested in having some flexibility to extend contracts beyond the expiration date, under the conditions stated, Mr. Southwell noted absolutely, although the Department recognized that the Board often preferred to have input in contract extensions.

Commissioner Moss asked what had been done with past contracts in situations as this.

Assistant County Attorney David Murray noted, under the existing Airport Concessionaire Ordinance, the Department had the authority to extend lease agreements on a month-to-month basis, without further review or action by the Board, if the construction was delayed or the services were still needed at the airport. He also noted the Board could adopt a resolution that delegated authority to extend the lease agreements or could amend the current contracts to include an option to renew period.

Commissioner Moss noted the Board was aware of how contentious an issue these contracts could be and he was not so sure that the timelines for the Request for Proposal (RFP) and development at the Central Terminal had been projected yet; therefore, he had no problems with providing the Aviation Department some flexibility to extend the concessionaire contracts beyond the expiration date, if needed. He asked how this could be accomplished.

Assistant County Attorney Murray noted the foregoing resolution could be amended to provide that the Aviation Department had further authorization to extend these contracts beyond the expiration date, on a month-to-month basis, until such time a new procurement was needed.

Commissioner Moss requested the resolution be amended as stated by Assistant County Attorney Murray. Commissioner Edmonson seconded the motion for an amendment.

Commissioner Heyman withdrew her previous request to waive the foregoing resolution to the next BCC meeting.

Commissioner Suarez asked if the amendment proposed by Commissioner Moss could result in any legal ramifications, and if the lease agreements would remain open indefinitely.

Assistant County Attorney Murray noted the

existing concessionaire lease agreements would definitely expire on January 31, 2015; however, the proffered amendment would allow the Aviation Department to extend the agreements, if necessary, beyond that expiration date on a month-to-month basis, without Board approval.

Commissioner Suarez noted he thought the reason for the amendment was that the leases were about to expire soon. He asked if Commissioner Moss was anticipating a need to extend the contracts beyond 2015.

Responding to Commissioner Suarez concern, Commissioner Moss noted the leases were about to expire, but due to uncertainties with redevelopment at the Central Terminal, the transition of the concession program, the RFP, the project's scope, financing, planning, phasing and related timelines, some felt it was unfair to terminate the contracts early; thus, the Board extended the original expiration date. He said he desired that the process move forward as quickly as possible, but his intent was to give the Aviation Department some flexibility to extend the contracts beyond the expiration date, without further review by the Board, should delays occur or issues exist at the Central Terminal and the services were still needed. He explained that part of the reason the initial extension was granted was to give the concessionaires some time to recoup their investments.

Chairman Barreiro noted he supported the amendment, but would like the Aviation Department to notify the County Commission or the committee of jurisdiction of further extensions of these contracts.

Hearing no further comments or questions, the foregoing proposed resolution was forwarded to the County Commission with a favorable recommendation, with Committee amendment(s) to provide that the Miami-Dade Aviation Department was further authorized to extend these contracts beyond the expiration date, on a month-to-month basis, until such time a new procurement was needed.

3J

121825 Resolution

Dennis C. Moss

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, TO EXECUTE THE ATTACHED CONTRACT AWARD FOR DESIGN-BUILD SERVICES FOR THE LEHMAN CENTER TEST TRACK / LEHMAN YARD REHABILITATION - EXPANSION PHASE 1 - PROJECT NO: DB10-MDT-01 PTP; CONTRACT NO: CIP028-CT1-TR09, BETWEEN MIAMI DADE COUNTY AND MUNILLA CONSTRUCTION MANAGEMENT LLC - MCM IN THE AMOUNT OF \$25,147,257.00; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (Miami-Dade Transit)

Forwarded to BCC with a favorable recommendation

Mover: Moss

Seconder: Heyman

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Commissioner Moss noted several Commissioners participated in a tour of the existing Miami-Dade Transit (MDT) Lehman Center and witnessed the facility's poor condition. He said it was clear that a new test track was needed and that MDT could not rely on the current operating system to test the new fleet of trains it would be receiving. He noted the proposed test track would allow MDT to test the trains without any impact to the normal course of the transit system, and he would support it because he felt it was the right thing to do. He also noted he wanted to get rid of the white board at the Lehman Center.

Hearing no further comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3K

121816 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT IN THE AGGREGATE AMOUNT OF \$313,832,000 WITH ANSALDOBREDA S.P.A. FOR NEW HEAVY RAIL VEHICLES; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS; TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (Miami-Dade Transit)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Moss

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Assistant County Attorney Libhaber noted the foregoing is an award recommendation by the County Mayor, and the process involved a previous recommendation by a former County Manager that became the subject of a bid protest filed by CAF USA, Inc. (CAF), the unsuccessful bidder. He also noted the former Manager's recommendation was affirmed by the hearing examiner in a bid protest, but CAF appealed the decision and the Federal Transit Authority (FTA) reversed it. He further noted that in November 2011, the FTA's Chief Counsel, Dorval R. Carter, Jr, concluded in his decision that this procurement was currently ineligible to receive federal funding, and recommended that in order to regain eligibility for federal funding, Miami-Dade Transit re-evaluate the proposers' Best and Final Offers (BAFO) without consideration of local preference, the effect of a local assembly facility on the local economy or the potential project cost savings, based upon the location of the final assembly facility. Mr. Libhaber noted Mr. Carter's recommendation was presented to the Selection and Evaluation Committee. Similarly, he noted the commissioners must not consider local preference, the effect of a local assembly facility on the local economy or the potential project cost savings, based upon the location of the final assembly facility, in its deliberations, discussions or its votes as it relates to the purchase of new Metrorail vehicles.

It was moved by Commissioner Heyman that the foregoing proposed resolution be forwarded to the

County Commission with a favorable recommendation. This motion was seconded by Commissioner Moss for a discussion.

Chairman Barreiro allowed the following persons to make a presentation on the foregoing proposed resolution:

1) Mr. Miguel DeGrandy, 800 Douglas Road, Attorney representing CAF USA, appeared and expressed appreciation to Chairman Barreiro and the Committee for allowing him to make this presentation. He noted, on many occasions, the Commission complained about not receiving complete or accurate information prior to deciding an important contract, and about receiving pertinent information only after the contract was signed. He noted his intent was to provide all the facts at the outset so that the Commission could make an informed decision. Mr. DeGrandy noted this procurement process was the longest on record, beginning in 2004 and languishing for more than 25 percent of the lifecycle of the existing Metrorail trains, but it was not a well-run process. He noted the foregoing recommendation was the result of a 2-1 split decision of the Selection Committee, and the one member who voted to recommend CAF USA was the County's former Rail Director. He respectfully requested the commissioners exercise their independent judgment in determining which company constituted the best value.

Mr. DeGrandy explained that in his presentation, he would cover the history of this procurement, the flawed evaluation process, and the concept of best value. He noted, in 2003, the County retained a consulting firm for \$2.1 million to develop specifications for a rail vehicle rehabilitation project, and in 2005, awarded the same firm \$15 million in a supplemental agreement, but discarded the entire procurement in 2007. He noted the County proceeded to hire the same consultant firm to draft specifications for the purchase of new heavy rail vehicles and manage the new procurement process, at a cost of several million dollars; however, the process was fatally flawed, resulting in violations of the FTA regulation, and the FTA's favorable ruling of CAF USA's appeal. He said that rather than develop a new evaluation methodology or empanel a new committee, the County empanelled the same selection and evaluation committee, guided by the same consultants and made a faulty recommendation in the first process, to review this

process. Mr. DeGrandy pointed out an item approved on today's agenda to hire the same consultant firm for \$4.4 million to manage the construction phase of the project, which meant the original \$2.1 million contract would increase ten fold. He noted in December 2011, the selection committee reconvened and rather than conduct a detailed analysis, two of the three members focused on price only. However, he noted this was not a bid for lowest price, but a subjective determination for an award based on best value. He pointed out that price was only one component of the award, and that the RFP required consideration of various qualitative factors, including technical design, approach, quality of personnel, management plan, and risk to the County.

Mr. DeGrandy noted on two occasions and as late as October 8, 2010, CAF USA offered in writing to match the recommended price; however, price was not a determining factor, but a distraction in the process, and could be negotiated once a determination was made for best value. He suggested that best value be determined independent of price, based on qualitative factors such as a superior propulsion system, best performance record and less risk. Mr. DeGrandy pointed out that AnsaldoBreda's proposal would no doubt be more expensive than CAF's proposal because it involved constant travel to Italy, travel costs for personnel, and costs for consultants and quality control. He said the County's former Rail Director, who was the one member of the Selection and Evaluation Committee who voted favorably for CAF, based his recommendation on other such factors as the company's capabilities, risk, performance records and ownership of a physical plant and a test track. Mr. DeGrandy indicated that according to the Selection and Evaluation Committee's transcript, CAF undeniably ranked first and was deemed the best value based on qualitative factors. He also noted that all three Selection and Evaluation Committee members believed that CAF had a superior Mitsubishi propulsion system and posed less risk.

Mr. DeGrandy noted CAF proposed to assemble the trains at one facility in Elmira, New York, using American workers, while AnsaldoBreda proposed to construct all car shells in Italy, assemble the first six trains in Pittsburg, California, and ship them elsewhere for testing before final delivery to Miami. AnsaldoBreda also proposed to transport the remaining 130 car shells

from Italy to Miami for final assembly in an unknown facility that had not yet been built. He said that regardless of the proposer, the trains had to undergo certain dynamic testing before final delivery; however, AnsaldoBreda did not own a test track in the United States (USA) and would not be allowed to use the new Lehman Center test track approved today. Therefore, the component of shipping trains back and forth from one place to another for assembling and testing, before final delivery to Miami, would create greater risk to the County. In contrast, Mr. DeGrandy noted CAF proposed to assemble all the trains in one facility and test them on its own test track that it invested millions of dollars to develop. He stressed that this was why the former Director of Rails Richard Snedden voted in favor of CAF's proposal and emphasized that AnsaldoBreda posed a higher risk. He read into the record, statements by Richard Snedden, who was an authority on the subject and gave very wise advice.

Mr. DeGrandy noted CAF's history of producing cars on time, on budget and to the satisfaction of its customers had been consistent, while AnsaldoBreda has had problems in contracts with USA cities such as Boston, Los Angeles and New York; and paid more in liquidated damages in one contract with Denmark than what it was worth. He pointed out that AnsaldoBreda is an Italian Company owned by Finmeccanica, which is partly owned by Italy's government. He also noted it was reported in the Wall Street Journal and other news journals that Finmeccanica was undergoing a major restructure and trying to eliminate AnsaldoBreda because it was consistently losing money. He pointed out that even Finmeccanica's own press releases stated that its ratings had been downgraded as a direct result of AnsaldoBreda's poor performance. Mr. DeGrandy noted the Mayors' recommendation was the result of a long, flawed procurement process, and at every stage, the County's consultants advised that everything was fine, and continued to collect millions in taxpayers' dollars, but the FTA ruled that the procurement violated federal law. He pointed out one of the greatest flaws in this procurement was not separating the consultants in the procurement process from the consultants managing the contract's performance, which meant the consultants had a vested interest in the outcome of this process.

In conclusion, Mr. DeGrandy reiterated that price was not a determining factor, but a distraction in

the process; that AnsaldoBreda's proposal cost more in consultant fees, quality control, and travel costs for personnel to travel around the world; and that CAF USA rated higher on technical and qualitative factors and its performance history was much more reliable than AnsaldoBreda's. He respectfully suggested that the Board discard the advice of the County consultants and consider the advice of its former Rail Services Director, Mr. Snedden, who recommended CAF's proposal as the best value.

2) Mr. Al Dotson, 1450 Brickell Avenue, Attorney representing AnsaldoBreda, credited Mr. DeGrandy for providing a good explanation on the RFP criteria and the design, but said he would debunk a few of his arguments. First, he noted Mr. DeGrandy indicated that CAF proposed to assemble everything in one location; however, in its response to the RFP, CAF identified several locations in which it would assemble the trains, including Spain, Brazil and Elmira. Mr. Dotson pointed out that CAF had never manufactured or assembled everything in Elmira and only stated it would in its recent Best and Final Offer (BAFO). Second, he indicated that this process included a recommendation, a hearing examiner's decision, a FTA review and a decision by another evaluation committee, but CAF offered to reduce its price only after the BAFO was reviewed, and the examiner said that was not permitted as a matter of law. He noted allowing the bidders to later match a price after giving their BAFOs was not permitted by the RFP or the law. He also noted the FTA advised the County that it would run the risk of forfeiting federal dollars if it failed to follow the RFP. He stressed that only one BAFO was permitted in this process, not two and not after the other proposer's price was revealed. Third, Mr. Dotson pointed out that in the original RFP for the train rehabilitation project in 2006, Mr. DeGrandy issued a letter stating that the County could not allow any bidder to change its price after the BAFO was unveiled. Mr. Dotson noted, in that particular RFP, two BAFOs were expressly allowed, but not in the present BAFO. He said the FTA, while quoting CAF in a ruling connected with a procurement process in Houston, concluded that it was not permissible to allow a change in the price, once the BAFOs had been disclosed.

Mr. Dotson noted Mr. DeGrandy mentioned problems with AnsaldoBreda's history of performance in connection with certain projects,

but failed to mention that in its response to an RFP in Houston, CAF said it would comply with the Buy American Act standards, but once selected, asked for a waiver from the FTA and was denied. He noted CAF cost Houston more than \$4.5 million per light-rail vehicle in that procurement, or twice the amount of the price cap in this procurement process. Mr. Dotson said that Mr. DeGrandy was correct when he mentioned articles reporting issues with AnsaldoBreda's contract with Los Angeles; however, Mr. DeGrandy failed to mention that LA's reliability testing showed AnsaldoBreda's heavy-rail vehicles were the most reliable in LA's fleet, and its light-rail vehicles were the second most reliable. Mr. Dotson also pointed out that Mr. DeGrandy failed to mention that the Metropolitan Boston Transit Authority declared that AnsaldoBreda's project was a success. Mr. Dotson noted every company has had issues from time to time, but AnsaldoBreda's performance records showed that it delivered on its promises and provided reliable vehicles. Mr. Dotson displayed photos comparing CAF's proposed vehicles and AnsaldoBreda's proposals with the existing rail vehicles, and noted the state-of-the-art vehicles proposed by AnsaldoBreda were incomparable.

In addition, Mr. Dotson noted Section 2-8.4 of the County's Bid Protest Ordinance states that a bidder must file a bid protest to challenge an RFP process or waive its right to protest the bid. He said that today's (10/15) proceedings were normally conducted before a hearing examiner in a bid protest, but Mr. DeGrandy failed to mention that CAF did not file a bid protest in this case. More importantly, the ordinance provides that if a bidder disagrees with the RFP requirements, and failed to raise those issues within 48 hours of opening the bids or presenting the proposals, then the bidder waived the right to present those arguments. Mr. Dotson pointed out that a second BAFO was not required in this RFP process, and all these arguments could have been presented before a judge in a bid protest, but CAF failed to raise them or file a complaint in a timely manner; therefore, it waived those arguments. He noted the FTA heard the exact arguments presented today and did not throw out the entire process, but responded to one particular component in an extensive process, and took no action on the rest. He also stressed that the evaluation committee reviewed the RFP process again and twice, found AnsaldoBreda's proposal to be the most valuable. Mr. Dotson pointed out that CAF currently did not

have a Buy American certification showing that its scheme in Miami-Dade County actually met the Buy American requirements. He said that it took the FTA 13 months to respond to the County in connection with the Buy American Compliance; therefore, if CAF was awarded this contract, it would take the FTA at least another 13 months to respond again on compliance with the Buy American Act. Furthermore, the FTA may rule that the County violated the RFP process because the RFP did not authorize two BAFOs, which could result in additional delays in the project and potentially forfeit the federal funding.

Finally, Mr. Dotson addressed the argument about the test track. He noted an item for rehabilitation of the Lehman Center and a test track was passed today without discussion. He said that it was important for the commissioners to understand that the test track item consisted of five storage tracks, two maintenance tracks, an inspection building, a sliding track, a test track, a train control and communication house. Mr. Dotson pointed out that what the Committee members had just approved today had more to do with the operations of Miami-Dade Transit than with this particular procurement, and had a 100-year life expectancy, which meant the facility could be used for the next seven rehabilitations and purchases of new cars. Regarding the test track itself, Mr. Dotson indicated that certain tests required accelerated speeds of up to 70 mph, and the test track in Elmira only allowed for speeds up to 35 to 45 mph or at best 55 mph with some changes, which meant that some, but not all tests could be performed there. He noted although the Lehman Center was not critical for this procurement, it was necessary and would serve MDC for the next 100 years. Mr. Dotson introduced Mr. Giancarlo Fantappie, President/CEO of AnsaldoBreda, Inc, to answer any questions.

Commissioner Heyman noted she appreciated the Assistant County Attorney qualifying the parameters of the discussion as it related to local preference, but she failed to see the relevance since the proposing firms were either from Spain or Italy, and neither had a strong, local holding in the County or Florida. She asked if it was correct that a bid protest was not filed in this process, noting she reviewed all the documents and saw nothing to indicate that a bid protest was filed.

Assistant County Attorney Libhaber noted the recommendation presented by the County Mayor

was not protested.

Commissioner Heyman pointed out that today's (10/15) meeting was not the venue for presenting arguments challenging the RPF requirements, but the issue should have been addressed before a hearing examiner in a bid protest.

Assistant County Attorney Libhaber noted that was correct; however, today's presentation was permitted at the discretion of the Committee's Chairperson.

Commissioner Heyman noted she appreciated the suggestion that the Commission should exercise its independent judgment, but clarified that they were prohibited by Charter and the Code of Silence from delving into the substantive issues of the procurement process, and could not address any bids, RFPs, or RFQs, until after the Mayor's recommendation was presented. She expressed concern that the process was long and involved two recommendations. She asked if any drastic changes were made to the County Mayor's recommendation from the recommendation previously made by the former Manager that should be noted on the record.

Ms. Ysela Llort, Director, Miami-Dade Transit, noted the only difference in the two processes was the adherence to the FTA instructions, which was already addressed. Responding further to Commissioner Heyman's concerns, Ms. Llort affirmed that nothing was changed in the recommendation other than the FTA instructions. She noted both proposers were good manufacturing companies and offered good products, but only one was cheaper.

Commissioner Heyman asked if every requirement of the RFP was considered by the Selection Committee in its deliberations, including requirements for a foreign company doing legal business with the USA.

Ms. Llort affirmed that the Selection Committee evaluated all proposals, as well as the Buy American Act requirements.

In response to Commissioner Heyman's questions regarding who would be liable for the delays in this contract, and would the awardee be responsible for any delays in shipping the trains, Ms. Llort noted the contract contained provisions to address any delays, as well as any issues with

production management, liquidated damages, the performance bond payments and hold backs.

In response to Commissioner Heyman's question regarding whether the awardee would be held accountable for all possible delays incurred, including the costs, Ms. Llort noted that was correct, as well as the contract management provisions.

In response to Commissioner Heyman's question whether the bid amount included travel costs to travel to all the mentioned geographical locations, Ms. Llort noted the bid included some travel costs, and the current budget included the travel costs to be incurred by MDT personnel, which were comparable for both companies.

In response to Commissioner Heyman's question whether the Selection Committee reviewed the proposed designs depicted in the pictures displayed by counsel today, Ms. Llort noted yes, and the Committee evaluated all of the component parts of the proposed trains.

In response to Commissioner Heyman's question regarding whether it was correct that Miami currently had no test track to test the proposed trains on, Ms. Llort noted that was correct.

Following Commissioner Heyman's comment that final assembly would be done in Miami by local employees, which was an issue the Committee could not consider, Assistant County Attorney Libhaber cautioned the Committee about this line of questioning and noted the issue should not be deliberated because the Cone of Silence was still in effect.

Ms. Llort added that the Buy American provisions only required that the final assembly be done in the United States.

Commissioner Heyman referenced a publication indicating that CAF USA was working with AnsaldoBreda in a consortium on a major international project, and the recommended awardee in that contract was AnsaldoBreda; but CAF was objecting to AnsaldoBreda being awarded in the foregoing contract, citing how problematic the company was. She asked if the Selection Committee considered the performance histories of both proposing companies, and did these companies have any pending violations.

Ms. Llort noted the Selection Committee reviewed the performance histories and the post responsibility reviews of both companies. She stated this was a very long process.

Commissioner Heyman asked Ms. Llort to state on the record, the length and various stages of this process, for the benefit of those Commissioners who were not in office when it began.

Ms. Llort noted this process involved extensive responsibility reviews and numerous response letters to the opposing counsel, and said that every issue was addressed.

Deputy Mayor Alina Hudak pointed out it was important to note that the responsibility reviews were done by the Internal Services Department (ISD), independently of Miami-Dade Transit.

Mr. Lester Sola, ISD Director, noted the Selection Committee considered the responsibility reviews, but the ISD's involvement was to respond to the counsel's letters throughout the entire process. He said he believed the review was met.

Commissioner Heyman noted the difference in the two BAFOs was minor, considering a long and arduous process with three levels, two recommendations by two different administrations, the FTA opinions, the arguments by opposing counsels, and the Department's support of the Mayor's recommendation. She asked if anything else needed to be added to the record.

Ms. Llort said no, she did not believe so.

Commissioner Suarez commented on the FTA rulings and sunshine laws prohibiting the Committee from discussing local preferences, yet the Committee was able to consider the Buy American provisions requiring 60 percent of the parts and final assembly be done in America. He said the issue with the test track was confusing since an item was approved today for rehabilitation of the Lehman Center and a new test track, but AnsaldoBreda would not be able to use it. He noted the irony of supporting the Mayor's recommendation was that it would endorse a long, flawed and tortuous process. He said that had the process been a competitive bid with a sealed price, the contract would be awarded to AnsaldoBreda, based on the lowest price; however, he was inclined to support CAF USA based on Mr. DeGrandy's compelling argument that the Board

should determine best value, based on the best propulsion system, the company's past performance and financial soundness.

Commissioner Suarez asked for an explanation of the performance bond requirements. He said the approximate 2% payment of the contract price until final delivery and acceptance of the vehicles was not much of a guarantee. He also noted the sliding scale payments for the performance bond should be reversed so that the highest payment is made in the beginning, rather than the lowest payment. He questioned the 3% retainage fee for liquidated damages until the five year warranty expired; and the term "married pair" which should be matching or complimentary pairs or something other than married pairs.

Ms. Llort noted the reason for the term "married pair" was the vehicles had complimentary parts, and were intended to always operate as a pair.

Commissioner Suarez pointed out it was alleged that AnsaldoBreda had financial troubles and was backed by Italy's Government, which incidentally did not have a good bond rating now; however, he could not imagine that this company would allow a lapse in a \$3 million contract and strain its credibility further. Commissioner Suarez said this was a tough call and had the process been done correctly, he would be inclined to support the Mayor's recommendation since AnsaldoBreda had the lowest price; however, CAF USA would win, based on subjective factors. He said he still had concerns regarding AnsaldoBreda's troubling performance history and he was not convinced that the performance bond requirements were sufficient.

Ms. Llort explained the reason for a lesser performance bond payment in the beginning was because this project included design, construction and delivery of the train vehicles, and the first part of it primarily involved design and preconstruction activities. She clarified that this was a big contract and the processes included a sealed BAFO that was opened, and led to a lower price. She said this process was one of the best she had ever seen, in terms of due process, and all procedural aspects were addressed.

Deputy Mayor Alina Hudak noted it was important to correct the record regarding comments made earlier that this was a lengthy and flawed process. She said this was a very clean process, which

began in March 2009 and ended in February 2011, and the delays were attributed to the bid protest filed by the opposing proposer. She also said this process involved multiple reviews by different independent agencies in support of the recommendation, and she believed it was a very professional and comprehensive process with tremendous support from technical experts from multiple county agencies. Regarding the award methodology, Ms. Hudak noted the RFP was well defined with specific point allocations for technical proposal, commercial, price and an option price.

In response to Commissioner Suarez question whether the original manufacturer of the existing rail cars was considered or allowed to bid in this process. He also asked about the name of that company, and whether it been bought out by one of the proposing companies.

Ms. Llort noted all qualifying companies were allowed to bid, and she believed the original company no longer produced rail cars. She also noted that three bids were received, and one was disqualified because it exceeded the ceiling price set in this RFP.

Assistant County Attorney Libhaber added that the original company's name was Budd Company, and it was bought out by another company.

In response to Commissioner Edmonson's question regarding when this process began and did it end in a BAFO, Ms. Llort noted that was correct and the entire process, including the RFP for rehabilitation of the train vehicles, began in 2004.

In response to Commissioner Edmonson's question regarding how much longer would it take to complete the process, if the bids were thrown out, and the process started over again, Deputy Mayor Hudak clarified that it would take about 2 to 3 years to complete the process, if all bids were thrown out and the process started over again, but if the Board directed the Administration to negotiate with CAF USA, then the timeframe would be linked to the negotiating process.

Commissioner Edmonson commended the counsels of both proposing companies, noting Mr. DeGrandy and Mr. Dotson were two of the finest attorneys in the County. She said she would like to see an end to this process and the contract

finalized. She asked if the FTA would withhold federal funding from the County if the Administration went back and renegotiated the BAFO.

Assistant County Attorney Libhaber noted although he could not dictate the actions of the FTA, he believed it would be problematic for the County if the Administration went back to the FTA and advise that they deviated from the RFP requirements to renegotiate the BAFO, since the RFP specifications did not contemplate a second BAFO or allow for a change in the price, after the fact.

In response to Commissioner Edmonson's question whether further negotiations of the BAFO would constitute a violation of Florida Law or the FTA regulations, Assistant County Attorney Libhaber noted that mechanisms exist for negotiating or waiving a competitive bid that were consistent with Florida law and would not be a violation; however, negotiating the BAFO would be inconsistent with the FTA regulations and could cause the County to forfeit federal funding for this project.

Commissioner Edmonson noted she did not want to see the Department go down that road again.

Commissioner Moss agreed with Commissioner Edmonson's comments that both companies were represented by fine attorneys. Regarding the test track, he asked if it was correct that regardless of which company was awarded, the awardee would be responsible for testing the rail cars on their own track until final delivery, and the County would be responsible for testing the trains once they were delivered.

Ms. Llort noted that was correct. She explained that final testing would have to occur either on the County's new test track or its existing Rail system for final acceptance. She explained further that the existing rail cars were currently tested on the existing track until the new track was built and became available.

Commissioner Moss noted it was very important to him that the vehicle design be considered in the final negotiations. He asked about the models shown in the book compared to the models demonstrated in today's presentation, and asked what the difference was in the two designs, noting one looked more futuristic and had a sleeker nose

cap.

Ms. Llort explained that the rail cars were linked as married pairs, and the front car would not be interchangeable if it had a sloped nose, making it very difficult to connect or move the cars from one to another. She noted the design in the book was just a different system than the one proposed.

Commissioner Moss noted he would continue to pursue the issue of having a more futuristic design for the County's rail cars and transit system, since the goal was to make Miami a world class city.

Ms. Llort said she would be glad to arrange a meeting between any commissioner and the engineers to discuss further the choices in the designs and the mechanisms.

Commissioner Moss noted that based on his knowledge of the County Mayor, who was a stickler for details, he believed that after a long, arduous process, the Mayor considered all of the issues and was satisfied they were addressed, before making his recommendation. He said he would support the Mayor's recommendation, even though he still had some concerns and reservations. Commissioner Moss said he wanted the best looking trains and most efficient transit system for this community, and expected the Administration to stay on top of the issues raised in this procurement.

In response to Chairman Barreiro's request for clarification regarding the married pair vehicles and whether they were interchangeable, Ms. Llort noted yes, but explained that each pair consisted of an "A" and "B" car that interchanged with other "A" and "B" cars.

Chairman Barreiro noted price was definitely an issue in a procurement of this magnitude, because the County was trying to draw down federal dollars, and could end up forfeiting the funding and paying full cost of the project. He also noted the contract for Transit's fare cards was different because it involved local dollars only and permitted more than two Best and Final Offers (BASOs). Chairman Barreiro pointed out that both prospers were world-known companies and each had some issues along the way, but only a handful of companies exist like the two, which produced trains and did so much for the economy.

Hearing no further questions or comments, the

Committee proceeded to vote on the foregoing proposed resolution as presented.

3L

121823 Resolution

RESOLUTION APPROVING THE ATTACHED SUPPLEMENTAL AGREEMENT NO. 2 TO CONTRACT TA02-MR26 BETWEEN MIAMI-DADE COUNTY AND WASHINGTON INFRASTRUCTURE SERVICES, INC. TO INCREASE THE CONTRACT VALUE BY \$4,405,737 AND EXTEND THE CONTRACT DURATION BY SIX YEARS; APPROVING THE ASSIGNMENT OF SAID CONTRACT FROM WASHINGTON INFRASTRUCTURE SERVICES TO URS ENERGY & CONSTRUCTION, INC.; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE CONTRACT FOR AND ON BEHALF OF MIAMI-DADE COUNTY, TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (Miami-Dade Transit)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Moss

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record. He advised Committee members that the six-year agreement had already begun and was one year into the time period, which was now five years prospectively.*

Hearing no further comments or questions, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3M

121814 Resolution Dennis C. Moss

RESOLUTION APPROVING THE CONTRACT FOR SALE AND PURCHASE OF DESIGNATED PROPERTY KNOWN AS PARCEL 5 IN THE AMOUNT OF \$47,750 FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY EXPANSION AND IMPROVEMENTS TO SW 176 STREET, FROM US HIGHWAY 1 TO SW 107 AVENUE; AUTHORIZING PAYMENT OF REASONABLE ATTORNEY'S FEES AND COSTS PURSUANT TO CHAPTERS 73.091 AND 73.092, FLORIDA STATUTES; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (Public Works & Waste Management)

Forwarded to BCC with a favorable recommendation

Mover: Moss

Seconder: Heyman

Vote: 5-0

Absent: Souto

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3N

121736 Resolution

RESOLUTION APPROVING EXECUTION OF A LOCAL AGENCY PROGRAM AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE COUNTY WITH UP TO \$212,420 IN SAFE ROUTES TO SCHOOL PROGRAM FUNDS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (Public Works & Waste Management)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Edmonson

Vote: 4-0

Absent: Souto, Suarez

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

30

121940 Resolution

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$13,033,315.61 TO ACOSTA TRACTORS, INC. FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG NW 87 AVENUE, FROM NW 154 STREET TO NW 186 STREET, LOCATED WITHIN COMMISSION DISTRICT 13 (PROJECT NO. 20110194) AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (Public Works & Waste Management)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Edmonson

Vote: 4-0

Absent: Souto, Suarez

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3P

121942 Resolution

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$1,105,891.36 TO SOLUTION CONSTRUCTION, INC. FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED INTERSECTION IMPROVEMENT (PROJECT MCC 7360 PLAN – CICC 7360-0/08, REQUEST FOR PRICE QUOTATION NO. 20120013-R) AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (Public Works & Waste Management)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Edmonson

Vote: 4-0

Absent: Souto, Suarez

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3Q

121943 Resolution

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$166,592.00 TO BRAILLY ELECTRIC CORP. FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED INTERNALLY ILLUMINATED STREET NAME SIGN INSTALLATION (PROJECT MCC 7040 PLAN – CICC 7040-0/07, REQUEST FOR PRICE QUOTATION NO. 20120077) AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (Public Works & Waste Management)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Edmonson

Vote: 4-0

Absent: Souto, Suarez

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3R

121848 Resolution Regional Transportation Committee

RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT THAT WILL GENERATE REVENUE FOR THE COUNTY IN THE AMOUNT OF \$8,400,000 OVER THE FIVE-YEAR CONTRACT TERM, OR \$16,800,000 IN THE AGGREGATE IF THE ONE FIVE-YEAR RENEWAL TERM IS EXERCISED, WITH URBAN ADVERTISING OF AMERICA, INC., TO OBTAIN BUS PASSENGER SHELTER PROGRAM SERVICES; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED HEREIN CONTRACT NO. 784 (Miami-Dade Transit)

Forwarded to BCC with a favorable recommendation

Mover: Edmonson

Seconder: Heyman

Vote: 4-0

Absent: Souto, Suarez

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Commissioner Heyman asked if this agreement would provide the County a minimum monthly guarantee of \$8.4 million in total over the term of the contract and \$16.8 million in the aggregate if the contract was extended. She also asked if the County would have some recourse if the contractor failed to meet its monthly obligations, Ms. Ysela Llorca, Miami-Dade Transit Director, noted that was correct.

Commissioner Moss asked Ms. Llorca to meet with the Director of Miami-Dade Aviation Department, Jose Abreu, to explore the possibility of changing the design of the bus shelters at Miami International Airport. He noted he would like to see a better design than what was currently there now.

Chairman Barreiro noted, on the issue of additional shelters, he said he believed the County could get more usage out of its shelters. He noted although a cap was placed on the contract, the County needed to find innovative ways to extend that in order to place more shelters throughout the County beyond what currently existed, since transit services would continue to increase.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

3S

122012 Resolution Bruno A. Barreiro

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDERS TO EXISTING CONTRACTS FOR THE DESIGN AND CONSTRUCTION OF THE NORTH TERMINAL, FOR THE PURPOSE OF TRANSFERRING FUNDS ALLOCATED IN SUCH CONTRACTS FOR INDEPENDENT PRIVATE SECTOR INSPECTOR GENERAL (PSIG) PURPOSES INTO GENERAL ALLOWANCE ACCOUNT; ALLOWING TRANSFER OF UNSPENT FUNDS BETWEEN CONTRACTS; ALLOWING USE OF NORTH TERMINAL CONTINGENCY FUNDING, AND REQUIRING QUARTERLY REPORTING (Aviation Department)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Edmonson

Vote: 4-0

Absent: Souto, Suarez

Report: *Assistant County Attorney Bruce Libhaber read the foregoing proposed resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing proposed resolution as presented.

4 COUNTY ATTORNEY**5 CLERK OF THE BOARD**

5A

121769 Report

APPROVAL OF CLERKS MEETING MINUTES FOR THE JUNE 11, 2012 REGIONAL TRANSPORTATION COMMITTEE MEETING (Clerk of the Board)

Approved

Mover: Edmonson

Seconder: Heyman

Vote: 4-0

Absent: Souto, Suarez

5B

121953 Report

APPROVAL OF CLERK'S MEETING MINUTES FOR THE SEPTEMBER 10, 2012 REGIONAL TRANSPORTATION COMMITTEE MEETING (Clerk of the Board)

Approved

Mover: Edmonson

Seconder: Heyman

Vote: 4-0

Absent: Souto, Suarez

6 REPORTS

6A

121927 Report

MONTHLY REPORT FROM THE FLORIDA
DEPARTMENT OF TRANSPORTATION ON THE MIAMI
INTERMODAL CENTER (Mayor)

Report Received
Mover: Heyman
Seconder: Edmonson
Vote: 4-0
Absent: Souto, Suarez

6B

122023 Report

PEOPLE'S TRANSPORTATION PLAN 90-DAY REPORT
THIRD QUARTER FISCAL YEAR 2011-2012 (Mayor)

Report Received
Mover: Heyman
Seconder: Edmonson
Vote: 4-0
Absent: Souto, Suarez

7 ADJOURNMENT

Report: *There being no further business to come before the
Regional Transportation Committee, the meeting
was adjourned at 12:55 p.m.*