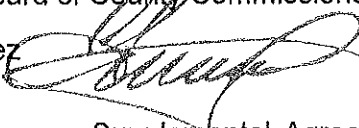


# Memorandum



**Date:** December 2, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Local Agency Program Supplemental Agreement Between Miami-Dade County and the Florida Department of Transportation to Provide the County with Additional Funding up to \$496,785.00 for the Construction of Roadway Improvements Along NW 74 Street from NW 87 Avenue to SR 826 and Authorizing the Use of Charter County Transportation Surtax Funds

Agenda Item No. 3(B)(2)

## **Recommendation**

It is recommended that the Board of County Commissioners (Board) approve the attached Resolution authorizing the execution of a Local Agency Program (LAP) Supplemental Agreement between Miami-Dade County (County) and the Florida Department of Transportation (FDOT) to provide the County with additional funding up to \$496,785.00 for the construction of NW 74 Street from NW 87 Avenue to SR 826 (Project). This Agreement requires that a local funding source provide upfront funding for the Project to be reimbursed. The Public Works and Waste Management Department (PWWM) is proposing to provide the upfront funds from proceeds collected through the Charter County Transportation Surtax (Surtax). As such, review by the Citizens' Independent Transportation Trust (CITT) is required prior to the execution of this LAP Supplemental Agreement.

This LAP Supplemental Agreement may only be considered by the Board if the CITT has forwarded a recommendation to the BCC prior to the date scheduled for Board consideration or forty-five (45) days have elapsed since the filing with the Clerk of the Board of this LAP Supplemental Agreement. If the CITT has not forwarded a recommendation and forty-five (45) days have not elapsed since the filing of this LAP Supplemental Agreement, I will request a withdrawal of this item.

## **Scope**

The Project is located within the Town of Medley and the Unincorporated Municipal Services Area, in Commissioner Jose "Pepe" Diaz's District 12.

## **Fiscal Impact/Funding Source**

The total estimated construction cost for the Project is \$7,069,306.00 based on the lowest submitted bid. The amount provided by the current LAP Agreement is \$6,572,521.00; therefore, an increase of \$496,785.00 is required before the contract can be awarded. The County will provide upfront funding for the Project, with eligible costs to be reimbursed by FDOT. The Project is a component of the NW 74 Street project included in the Major Highway and Road Improvements portion of Exhibit 1 in the People's Transportation Plan (PTP) Ordinance. The funding index code for this Project is CPEPTP61274S and the Capital project number is 6036590.

**Track Record/Monitor**

The Project will be assigned to Mr. Bassam Moubayed, CFM, Chief, PWWM Construction Division, who will oversee inspections conducted by PWWM staff.


**Background**

The construction of a new four (4) lane roadway along NW 74 Street, from the Homestead Extension of the Florida Turnpike (HEFT) to NW 82 Avenue, was originally included in the PTP Ordinance under Board Requested Projects within Commission District 12. On May 9, 2006, the Board approved an amendment to the PTP to revise the scope of the NW 74 Street project under Resolution R-531-06. The NW 74 Street project now consists of six (6) lanes, from the HEFT to SR 826. This decision was made in partnership with FDOT in order to provide a proper link from the HEFT to SR 826.

On November 5, 2013, the BCC approved a LAP Agreement under Resolution No. R-873-13. Under the LAP Agreement, the County would receive up to \$6,572,521.00 for the construction of a road improvement project along NW 74 Street from NW 87 Avenue to SR 826. The total estimated construction cost for the Project is now \$7,069,306.00 based on the lowest submitted bid. The increase of up to \$496,785.00 will be reimbursed by FDOT. This total does not include a contingency for unforeseen conditions. Should adjustments to the total cost be needed to address unforeseen conditions, a future LAP Supplemental Agreement would be required.

The difference between the Engineer's estimate and the lowest bid was a result of the time period between when the estimate was provided to FDOT as part of the LAP Agreement approval and the eventual receipt of bids. A separate legislative item for the construction contract award will be submitted for CITT and Board approval.

The Project includes widening the existing roadway, sidewalks, curb and gutter, a storm drainage system, pavement markings and signing, traffic signalization, roadway lighting, bicycle lanes, landscaping, and irrigation. Construction is anticipated to begin by Spring of 2015.

  
\_\_\_\_\_  
Alina T. Hudak  
Deputy Mayor



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** December 2, 2014

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

**SUBJECT:** Agenda Item No. 3(B)(2)

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 Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 3(B)(2)  
12-2-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING EXECUTION OF A LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE COUNTY WITH ADDITIONAL FUNDING UP TO \$496,785.00 FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ALONG NW 74 STREET FROM NW 87 AVENUE TO SR 826; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS

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

**WHEREAS**, both the State of Florida and Miami-Dade County wish to facilitate the construction of roadway improvements along NW 74 Street, from NW 87 Avenue to SR 826; and

**WHEREAS**, on November 5, 2013, the Board approved the Local Agency Program Agreement under Resolution No. R-873-13; and

**WHEREAS**, the cost of the project has been adjusted to a new estimated total of \$7,069,306.00 which is higher than the original amount provided under the Local Agency Program Agreement,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board approves the Local Agency Program Supplemental Agreement between Miami-Dade County and the Florida Department of Transportation, providing up to an additional \$496,785.00 to the County for

eligible expenses incurred in the construction of these improvements, in substantially the form attached hereto and made a part hereof; authorizing the County Mayor or County Mayor's designee to execute same for and on behalf of Miami-Dade County and to exercise the provisions contained therein; and authorizing the use of Charter County Transportation Surtax Funds.

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:

Rebeca Sosa, Chairwoman

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Daniella Levine Cava	Jose "Pepe" Diaz
Audrey M. Edmonson	Sally A. Heyman
Barbara J. Jordan	Jean Monestime
Dennis C. Moss	Sen. Javier D. Souto
Xavier L. Suarez	Juan C. Zapata

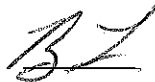
The Chairperson thereupon declared the resolution duly passed and adopted this 2<sup>nd</sup> day of December, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.



Bruce Libhaber

SUPPLEMENTAL NO. 1 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 414731-5 CONTRACT NO. ARC43
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The MIAMI-DADE COUNTY PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT desires to supplement the original Agreement entered into and executed on March 5, 2014 as identified above. All provisions in the original Agreement and supplements, if any, remain in effect except as expressly modified by this supplement.

The changes to the Agreement and supplements, if any, are described as follows:

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PROJECT DESCRIPTION

Name NW 74 Street Length 0.948 MILES

Terminals From NW 87 Avenue to SR 826

Description of Work:

This project consists of improvements to NW 74 Street, including widening the existing roadway from a five-lane to a six-lane divided roadway from NW 87 Avenue to SR 826, with sidewalks, curb & gutter, storm drainage system, pavement markings and signing, traffic signalization, roadway lighting, landscaping and irrigation.

Reason for Supplement and supporting engineering and/or cost analysis:

The difference between the Engineer's estimate and the lowest bid was as a result of the time period between when the estimate was provided to FDOT as part of the LAP Agreement approval, and the eventual receipt of bids. The Miami-Dade County Public Works and Waste Management Department worked closely with FDOT to identify additional grant funding to account for this difference.

"Exhibit 1" is attached for inclusion in the Contract.

ADJUSTED EXHIBIT B SCHEDULE OF FUNDING

SUPPLEMENTAL NO. 1  DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION <b>LOCAL AGENCY PROGRAM          SUPPLEMENTAL          AGREEMENT</b>	FPN 414731-5 CONTRACT NO. ARC43
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TYPE OF WORK By Fiscal Year	FUNDING				
	(1) PREVIOUS TOTAL PROJECT FUNDS	(2) ADDITIONAL PROJECT FUNDS	(3) CURRENT TOTAL PROJECT FUNDS	(4) TOTAL AGENCY FUNDS	(5) TOTAL STATE & FEDERAL FUNDS
<b>Planning</b> FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ <b>Total Planning Cost</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Project Development &amp;            Environment (PD&amp;E)</b> FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ <b>Total PD&amp;E Cost</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Design</b> FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ <b>Total Design Cost</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Right-of-Way</b> FY: _____ FY: _____ FY: _____ FY: _____ FY: _____ <b>Total Right-of-Way Cost</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
<b>Construction</b> FY: 2011-2012 _____ FY: 2012-2013 _____ FY: 2013-2014 \$6,085,668.00 FY: 2014-2015 _____ FY: 2015-2016 _____ FY: 2016-2017 _____ <b>Total Construction Cost</b>	\$6,085,668.00	\$459,986.00	\$6,545,654.00	\$0.00	\$6,545,654.00
<b>Construction Engineering and            Inspection (CEI)</b> FY: 2011-2012 _____ FY: 2012-2013 _____ FY: 2013-2014 \$486,853.00 FY: 2014-2015 _____ FY: 2015-2016 _____ FY: 2016-2017 _____ <b>Total CEI Cost</b>	\$486,853.00	\$36,799.00	\$523,652.00	\$0.00	\$523,652.00
<b>Total Construction &amp; CEI Costs</b>	\$6,572,521.00	\$496,785.00	\$7,069,306.00	\$0.00	\$7,069,306.00
<b>TOTAL COST OF THE            PROJECT</b>	\$6,572,521.00	\$496,785.00	\$7,069,306.00	\$0.00	\$7,069,306.00

SUPPLEMENTAL NO. 1 DUNS NO. 80-939-7102	STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT	FPN 414731-5 CONTRACT NO. ARC43
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IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

AGENCY

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

By: \_\_\_\_\_  
Name:  
Title:

By: \_\_\_\_\_  
Name:  
Title:


Attest: \_\_\_\_\_  
Name:  
Title:

Attest: \_\_\_\_\_  
Name:  
Title:

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Legal Review:

 \_\_\_\_\_

\_\_\_\_\_

See attached Encumbrance Form for date of funding approval by Comptroller.



EXHIBIT "1"

SINGLE AUDIT ACT

**Federal Resources Awarded to the Recipient Pursuant to This Agreement Consist of the Following:**

**Federal Agency:** Federal Highway Administration

**CFDA #:** 20.205 Highway Planning and Construction

**Amount:** \$ 7,069,306.00

**Compliance Requirement:**

**Allowable Activities:** To be eligible, most projects must be located on public roads that are not functionally classified as local. The major exceptions are the Highway Bridge Replacement and Rehabilitation Program, which provides assistance for bridges on and off the federal-aid highways, highway safety activities, bicycle and pedestrian projects, transportation enhancement activities, the recreational trails program, and planning, research, development, and technology transfer. Proposed projects meeting these and other planning, design, environmental, safety, etc., requirements can be approved on the basis of state and local priorities within the limit of the funds apportioned or allocated to each state.

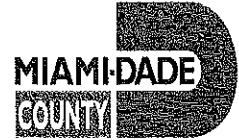
**Allowable Costs:** Eligible activities and allowable costs will be determined in accordance with Title 23 and Title 49 C.F.R. and the OMB cost principles applicable to the recipient/sub-recipient.

**Eligibility:** By law, the federal-aid highway program is a federally assisted state program that requires each state to have a suitably equipped and organized transportation department. Therefore, most projects are administered by or through State Departments of Transportation (State DOTs). Projects to be funded under the federal-aid highway program are generally selected by state DOTs or Metropolitan Planning Organizations (MPOs), in cooperation with appropriate local officials, as specified in 23 U.S.C. and implementing regulations. Territorial highway projects are funded in the same manner as other federal-aid highway projects, with the territorial transportation agency functioning in a manner similar to a state DOT. Most Federal Land Highway Program (FLHP) projects are administered by the Federal Highway Administration (FHWA) Office of Federal Lands Highway and its Divisions or by the various Florida Land Management Agencies (FLMAs). Under the FLHP, projects in the Indian Reservation Road (IRR) Program are selected by Tribal Governments and are approved by the Bureau of Indian Affairs (BIA) and the FHWA. Due to recent legislation, Tribal Governments meeting certain requirements may now administer various IRR projects on behalf of the BIA and FHWA. The Fish and Wildlife Service (FWS) and the National Park Service (NPS) select projects in the Refuge Road and Park Roads and Parkways Programs, respectively. For the Forest Highway Program, the Forest Service, the States and the FHWA jointly select projects.

**Compliance Requirements Applicable to the Federal Resources Awarded Pursuant to This Agreement Are As Follows:** The recipient of Local Agency Program (LAP) funding must comply with the statutory requirements in Sections 112.061, 215.422, 339.12, and 339.135, Florida Statutes, and Title 23 and Title 49, C.F.R.



Memorandum



**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Charles Scurr, Executive Director *Charles Scurr*

**Date:** November 13, 2014

**Re: CITT AGENDA ITEM 5B:**  
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) APPROVE EXECUTION OF A LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE COUNTY WITH ADDITIONAL FUNDING UP TO **\$496,785.00** FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS ALONG NW 74 STREET FROM NW 87 AVENUE TO SR 826; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS (**PWWM – BCC Legislative File No. 142401**)

On November 13, 2014, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 14-078. The vote was as follows:

Paul J. Schwiep, Esq., Chairperson – Aye  
Hon. Anna E. Ward, Ph.D., 1st Vice Chairperson – Absent  
Glenn J. Downing, CFP®, 2nd Vice Chairperson – Aye

Joseph Curbelo – Absent  
Alfred J. Holzman – Absent  
Jonathan Martinez – Aye  
Miles E. Moss, P.E. – Aye  
Marilyn Smith – Aye

Peter L. Forrest – Aye  
Prakash Kumar – Aye  
Alicia Menardy, Esq. – Absent  
Hon. James A. Reeder – Aye  
Hon. Linda Zilber – Aye

cc: Alina Hudak, Deputy Mayor/Director Public Works & Waste Management Department  
Bruce Libhaber, Assistant County Attorney