

**BCC Meeting: May 15, 2018
Research Notes**

Item No. 3B3

File No. 181047

Researcher: BM Reviewer: TD

RESOLUTION APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A PRE-QUALIFIED, MULTI-YEAR JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE \$4,594,781.00 IN TEMPORARY ASSISTANCE FOR THE OPERATION, MAINTENANCE AND MANAGEMENT OF THE MIAMI INTERMODAL CENTER CENTRAL STATION; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE AGREEMENT; AND AUTHORIZING RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS FOR SUCH PURCHASE AS SPECIFIED IN THE AGREEMENT SHOULD THEY BECOME AVAILABLE

ISSUE/REQUESTED ACTION

Whether the Board should approve the County Mayor's acceptance and execution of a multi-year Joint Participation Agreements (JPA), No. 439982-1-84-01, between the County and Florida Department of Transportation (FDOT) for a value of \$4,594,781 for temporary assistance to the Transportation and Public Works Department (TPWD) for the operation, maintenance and management of the Miami Intermodal Center (MIC) Central Station.

JPA	Amount	Purpose
439982-1-84-01	\$4,594,781	Operation, maintenance and management of the Miami Intermodal Center (MIC) Central Station.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-974-09 adopted July 21, 2009 directs that any resolution authorizing the execution of instruments creating a County Interest in real property shall require such instruments to be recorded in public records of Miami-Dade County.

<http://intra/gia/legistarfiles/MinMatters/Y2009/091900min.pdf>

Resolution R-1115-15 adopted December 1, 2015 directs the County Mayor to develop a plan identifying potential uses of the Miami Intermodal Center by Miami-Dade County in the event the Florida Department of Transportation were to transfer the Miami Intermodal Center property to Miami-Dade County; directing the County Mayor to present a report on such plan to the Board of County Commissioners within 90 days.

<http://intra/gia/legistarfiles/MinMatters/Y2015/152275min.pdf>

Florida Statutes, Section 215.97, Florida Single Audit Act, establish uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities to carry out state projects.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0215/Sections/0215.97.html

PROCEDURAL HISTORY

Prime Sponsor: None

Requester: Transportation and Public Works

This item has no procedural history.

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FISCAL IMPACT

Below is a summary of the \$4,594,781 in State funding to be received by the County for temporary assistance to the TPWD for the operation, maintenance and management of the MIC Central Station:

Item No.	Funding Amount/ Source	Description	FDOT Reimbursement Required
439982-1-84-01	\$1,250,000/ SFY 2018	State Participation Rate is 100 percent of eligible expenses and does not require a local match.	No
439982-1-84-02	\$2,805,600/ SFY 2018-24	This is currently a projected total to cover the "Profit/Loss" pro-forma shortfalls.	Yes
439982-1-84-03	\$539,181/ SFY 2018-25	Funds are contingent upon Amtrak or an alternate tenant not executing a Head House lease and Common Area Maintenance ("CAM") agreement for the MIC.	No

ANALYSIS

This item seeks approval of the County Mayor's acceptance and execution of an FDOT JPA for temporary assistance to the Transportation and Public Works Department for the operation, maintenance and management of the MIC Central Station.

In 1993, FDOT entered into a partnership with the U.S. Department of Transportation which allowed FDOT, in cooperation with the County, the South Florida Regional Transportation Authority (SFRTA), and the Miami-Dade Expressway Authority, to take the lead in developing the MIC. Additional information related to the MIC is available at the following website: <http://www.micdot.com/>.

The MIC is a major, regional transportation hub located east of the Miami International Airport. The MIC serves an important public purpose as the transportation gateway to Miami-Dade County by integrating a variety of transportation modes adjacent to Miami International Airport, including buses, taxis, trains, rental cars, private vehicles, bicycles and pedestrians. The MIC includes the Rental Car Center, which is the facility owned and operated by the County, and the central station at the MIC, which includes, but is not limited to, transit, rail and intercity bus facilities and components, and is currently owned and operated by the department.

The MIC is now fully operational and FDOT currently retains ownership of the Central Station and the 25.38 acres of property on which it is located. DTPW and FDOT are in the process of moving forward with the transfer of the MIC which is anticipated to be finalized by June 2018.

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Below is a summary of the JPA relating to the Department's obligation:

7.20 The Department's Obligations – Subject to other provisions of the Agreement, DTPW will honor requests for reimbursement to the Agency pursuant to the Agreement. However, notwithstanding any other provision of the Agreement, MDAD may elect by notice in writing not to make a payment if:

- a) The Agency shall have made misrepresentation of a material nature in its application, or any supplement or amendment to its application, or with respect to any document or data furnished with its application or pursuant to this Agreement;
- b) There is any pending litigation with respect to the performance by the Agency of any of its duties or obligations which may jeopardize or adversely affect the Project, the Agreement, or payments to the Project;
- c) The Agency shall have taken any action pertaining to the Project which, under this Agreement, requires the approval of the Department or has made related expenditures or incurred related obligations without having been advised by the Department that same are approved;
- d) There has been any violation of the conflict of interest provisions contained in this Agreement;
- e) The Agency has been determined by the Department to be in default under any of the provisions of the Agreement; or
- f) Any federal agency providing federal financial assistance to the Project suspends or terminates federal financial assistance to the Project. In the event of suspension or termination of federal financial assistance, the Agency will reimburse the Department for all disallowed costs, including any and all federal financial assistance as detailed in Exhibit "B".

Eligible operations, maintenance, and management expenses for the MIC Central Station facility include, but are not limited to, such items as:

- a) Exterior and interior lighting;
- b) Electrical systems, equipment and associated fixtures & fittings;
- c) Plumbing systems and associated fixtures and fittings;
- d) HVAC systems, escalators, elevators, generators, pumps, etc.;
- e) General repair, including painting and upkeep of all interior/exterior walls ceilings, signs;
- f) Fire protection and safety equipment, Public Address systems;
- g) Interior (plants, etc.) and exterior landscaping;
- h) Audit review and processing of all bills for utilities and services;
- i) Repair and maintenance of utilities and services to the facility;
- j) Interior and exterior cleaning and janitorial supplies;
- k) Collection and removal of garbage, waste and debris from site;
- l) Maintain control of and manage all parking lots, sidewalks and Roadways. Set and collect parking fees;
- m) Maintain and operate a customer service office with staffing and associated office equipment, telecommunications and supplies related to the facility;
- n) Provide security or other staff to maintain the facilities 24/7 as needed;
- o) Provide all equipment and supplies as needed to operate facilities;
- p) Develop and maintain a Preventative Maintenance program for the facility covering such items as, but not limited to, roof inspections, roof drains, canopies, exterior walls and glazing; maintenance, glass cleaning, external, lighting, roadway sweeping/cleaning, repair, road markings, sign repair and replacement, storm and sewer drains, air conditioning, electrical and mechanical equipment systems, other systems;
- q) Emergency evacuation instructions, procedures and building preparation for hurricanes or other events;
- r) Provide miscellaneous services that may be required to keep the facilities operational and safe for public use.