

MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 17, 2021

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution directing the County Mayor to not issue the notice to proceed on the design-build services agreement for the South Corridor Bus Rapid Transit Project, Contract No. CIP155-DTPW19-DB, Project No. DB19-DTPW-01 entitled "Design-Build Services for the South Corridor (South Dade Transitway) Rapid Transit Project," for 60 days, and to examine other feasible transit modes, such as light or heavy rail, for the South Dade Transitway Corridor of the Strategic Miami Area Rapid Transit ("SMART") Plan, and to provide a report

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Kionne L. McGhee.



Geri Bonzon-Keenan
Successor County Attorney

GBK/smm




MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

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Successor County Attorney

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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
- ☐ Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ 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. 11(A)(1)
2-17-21

RESOLUTION NO. _____

RESOLUTION DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NOT ISSUE THE NOTICE TO PROCEED ON THE DESIGN-BUILD SERVICES AGREEMENT FOR THE SOUTH CORRIDOR BUS RAPID TRANSIT PROJECT, CONTRACT NO. CIP155-DTPW19-DB, PROJECT NO. DB19-DTPW-01 ENTITLED "DESIGN-BUILD SERVICES FOR THE SOUTH CORRIDOR (SOUTH DADE TRANSITWAY) RAPID TRANSIT PROJECT," FOR 60 DAYS, AND TO EXAMINE OTHER FEASIBLE TRANSIT MODES, SUCH AS LIGHT OR HEAVY RAIL, FOR THE SOUTH DADE TRANSITWAY CORRIDOR OF THE STRATEGIC MIAMI AREA RAPID TRANSIT ("SMART") PLAN, AND TO PROVIDE A REPORT

WHEREAS, on August 30, 2018, the Miami-Dade Transportation Planning Organization ("TPO") adopted Resolution #31-18, which selected Bus Rapid Transit ("BRT") as the locally preferred alternative for the South Dade Transitway Corridor of the Strategic Miami Area Rapid Transit ("SMART") Plan and further directed the TPO Executive Director to take any and all necessary steps and actions in order to accomplish the conversion of the South Dade Transitway from BRT to at-grade Metrorail upon reaching an average weekday ridership of 35,000 daily trips on the South Dade Transitway; and

WHEREAS, on February 10, 2020, the Federal Transit Administration ("FTA") released its Annual Report on Funding Recommendations, wherein the South Corridor BRT Small Starts project received a rating of "High"; and

WHEREAS, on May 29, 2020, the United States Department of Transportation announced that the South Corridor BRT Small Starts project was selected to receive \$99,999,999.00 for a construction grant agreement with the FTA; and

WHEREAS, on August 31, 2020, this Board approved Resolution No. R-831-20 retroactively authorizing the County Mayor or County Mayor’s designee to apply for the FTA grant agreement for the South Corridor BRT Small Starts project in order to receive the \$99,999,999.00 in grant funding; and

WHEREAS, on September 3, 2020, this Board adopted Resolution No. R-890-20, approving the award of a design-build services agreement for Contract No. CIP155-DTPW19-DB, Project No. DB19-DTPW-01 entitled “Design-Build Services for the South Corridor (South Dade Transitway) Rapid Transit Project,” to OHL USA, Inc., in the total contract amount of \$368,233,493.42; and

WHEREAS, after the TPO selected BRT as the locally preferred alternative for the South Dade Transitway Corridor, the coronavirus disease 2019 (“COVID-19”) pandemic began which has changed the world, including traffic patterns, and as a result, an examination of alternative transit modes is warranted to ensure that the South Dade Transitway Corridor project is implemented in a manner that best addresses the community’s current and future needs; and

WHEREAS, while the implementation of BRT along the South Dade Transitway Corridor may provide some transit solutions to the South Dade community, other transit modes, such as light or heavy rail, may better address our community’s growing transit needs,

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

Section 1. Directs the County Mayor or County Mayor’s designee to not issue the notice to proceed on the design-build services agreement for the South Corridor BRT project, Contract No. CIP155-DTPW19-DB, Project No. DB19-DTPW-01 entitled “Design-Build Services for the South Corridor (South Dade Transitway) Rapid Transit Project,” for a period of 60 days commencing on the effective date of this resolution.

Section 2. Further directs the County Mayor or County Mayor's designee to examine other feasible transit modes, such as light or heavy rail, for the South Dade Transitway Corridor of the SMART Plan and to provide recommendations on whether any such other transit modes would better address the needs of the South Dade community. The recommendations from the feasibility study should provide this Board with a plan regarding (1) how to proceed with respect to the existing design-build contract for the South Corridor BRT project, including the financial implications of suspending and/or terminating the contract, and (2) how to implement any recommended alternative transit mode, including the implications of pursuing such alternative transit mode on any state or federal grant that has been awarded, or is expected to be awarded, for the implementation of the South Corridor BRT Small Starts project. Additionally, as part of the feasibility study, the County Mayor or County Mayor's designee is directed to consult with the FTA and/or the Florida Department of Transportation on whether any existing or expected federal and state grants for the South Corridor BRT project can be applied towards an alternative transit mode.

Section 3. Directs the County Mayor or County Mayor's designee to place a report regarding the actions referenced in section 2 above within 60 days of the effective date of this resolution on an agenda of the Board in accordance with Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Kionne L. McGhee. It 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:

Jose "Pepe" Diaz, Chairman

Oliver G. Gilbert III, Vice Chairman

Sen. René García

Sally A. Heyman

Eileen Higgins

Kionne L. McGhee

Raquel A. Regalado

Sen. Javier D. Souto

Keon Hardemon

Danielle Cohen Higgins

Joe A. Martinez

Jean Monestime

Rebeca Sosa

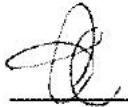
The Chairperson thereupon declared this resolution duly passed and adopted this 17th day of February, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the 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.



Annery Pulgar Alfonso
Bruce Libhaber