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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: April 7, 2009

Agenda Item No. 8(P)(1)(I)

Resolution No. R-360-09

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Authorizing Execution of an Amendment Authorizing Extending the Original Expiration Date and Providing Additional Funds for the Existing Joint Participation Agreement (JPA No. 250610-1-58-01) Between Miami-Dade County and the Florida Department of Transportation

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RECOMMENDATION

It is recommended that the Board of County Commissioners approve the attached resolution authorizing execution of an amendment extending the original expiration date and providing additional funds for the existing Joint Participation Agreement (JPA No. 250610-1-58-01), between Miami-Dade County (County) and the State of Florida Department of Transportation (FDOT). The agreement establishes the terms and conditions for disbursement of FDOT grant monies to MDC for the cost of design and landscape installation along various FDOT maintained roadways.

SCOPE

The work for this Project will be performed within FDOT rights of way along FDOT roadways throughout Miami-Dade County.

FISCAL IMPACT/ FUNDING SOURCE

This project will have no fiscal impact to the County as the funding source is through a grant provided to the County by FDOT as stipulated in the aforementioned JPA.

TRACK RECORD/ MONITOR

The person responsible for assuring that all aspects of the JPA are complied with is Mr. David Cardenas, Chief, Public Works Department, Right-of-Way Aesthetic and Assets Division.

BACKGROUND

At the Board of County Commissioners (BCC) meeting of October 2, 2007, the BCC authorized execution of a JPA (Resolution No. R-1106-07) between the County and FDOT, providing for disbursement of grant monies in the amount of $1,400.00 to the County for landscaping improvements. The FDOT wishes to extend the support to the County's roadway landscaping beautification efforts, by amending the original JPA to include landscaping in other sites within the County, extend the original expiration date to June 30, 2012 and to supplement the original project agreement with additional funds in the amount of $500,000 bringing the total contract amount to $1,900,000.

This agreement provides for the County to prepare landscape plans for mutually agreed locations and for FDOT's review and approval of said plans prior to landscape installation. The County must also obtain all necessary permits and execute a landscape maintenance agreement, with FDOT, for each location. The list of sites to be landscaped pursuant to this agreement will be presented to the Miami-Dade County Landscape Committee and the FDOT for approval.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: April 7, 2009

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

SUBJECT: Agenda Item No. 8(P)(1)(I)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Mayor's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(P)(1)(I)
4-7-09

RESOLUTION NO. **R-360-09**

RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT AUTHORIZING AN EXTENSION OF THE ORIGINAL EXPIRATION DATE AND FOR THE PROVISION OF ADDITIONAL FUNDS FOR THE EXISTING JOINT PARTICIPATION AGREEMENT (JPA NO. 250610-1-58-01) BETWEEN MIAMI-DADE COUNTY (COUNTY) AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), PURSUANT TO AVAILABLE FUNDING, IN THE AMOUNT OF $500,000.00

WHEREAS, at the Board of County Commissioner's (BCC) meeting of October 2, 2007, the BCC authorized execution of a joint participation agreement (Resolution No. R-1106-07) between Miami-Dade County and the Florida Department of Transportation for landscape improvements along various State maintained roadways; and

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

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves execution of an extension of the existing Joint Participation Agreement (JPA No. 250610-1-58-01) until June 30, 2012 and the provision for additional FDOT funding in the amount of $500,000.

The foregoing resolution was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Jose "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**absent**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of April, 2009. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber

AMENDMENT TWO TO JOINT PARTICIPATION AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND MIAMI-DADE COUNTY

This Amendment Two to that certain Joint Participation Agreement AOY82, executed on October 31, 2007 (the "Contract"), incorporated herein by reference, between Miami-Dade County, a political subdivision of the State of Florida ("COUNTY"), and the State of Florida Department of Transportation, a component agency of the State of Florida ("DEPARTMENT"), for the preparation of plans and specifications and to install landscaping and irrigation with the DEPARTMENT's right-of-way at various pre-approved Countywide locations, programmed under Financial Project Number 250610-1-58-01 ("PROJECT"), is entered into this _____ day of _____, 2007.

RECITALS:

WHEREAS, the Contract was entered into by both parties pursuant to the approval of the DEPARTMENT and of the COUNTY Commission by Resolution No. R-1106-07, adopted on October 2, 2007, in the total amount of One Million Four Hundred Thousand Dollars ($1,400,000.00) for PROJECT landscaping, irrigation and installation costs; and

WHEREAS, it is necessary to amend Section 9 of the Contract to extend the Contract term from June 30, 2009 to June 30, 2012; and

WHEREAS, it is necessary to increase the total Contract amount by Five Hundred Thousand Dollars ($500,000.00) to provide additional dollars needed to fully fund the DEPARTMENT's share of PROJECT costs as identified in the attached Exhibit 'A1', 'Amended Financial Summary', which is herein incorporated by reference; and

WHEREAS, the COUNTY Commission has adopted Resolution No. _____ on _____, 2008, to approve the amended Contract term from June 30, 2009 to June 30, 2012 and PROJECT increase in the total Contract amount from $1,400,000.00 to $1,900,000.00;

NOW, THEREFORE, for the considerations hereinafter set forth:

The Contract dated October 31, 2007, is hereby amended as follows:

Financial Provisions shall be increased by an amount not to exceed Five Hundred Thousand Dollars ($500,000.00). The contract total shall not exceed One Million Nine Hundred Thousand Dollars ($1,900,000.00).

Exhibit "A" shall be supplemented by the increased amount of Five Hundred Thousand Dollars ($500,000.00) in the attached Exhibit 'A1'.

Section 9 shall extend the Contract term to June 30, 2012.

All other terms and conditions of the Contract are in effect and remain unchanged.

MIAMI-DADE COUNTY:

By: _____
County Manager

ATTEST:
(SEAL)

By: _____
County Clerk

LEGAL REVIEW

By: _____
County Attorney

STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION:

By: _____
District Secretary

ATTEST:
(SEAL)

By: _____
Executive Secretary

LEGAL REVIEW:

By: _____
District General Counsel

cc: S. Craig James, FDOT District Landscape Architect; File

EXHIBIT 'A1'

AMENDED FINANCIAL SUMMARY

FY 07/08 (Current Amount)	FY 08/09
$1,400,000.00	$500,000.00

TOTAL: $1,900,000.00