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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: June 15, 2010

Agenda Item No. 14(A)(18)

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

From: George M. Burgess
County Manager

Resolution No. R-686-10

Subject: Resolution Authorizing the Execution of a Supplemental Joint Participation Agreement in the Amount of $1,319,928 with the Florida Department of Transportation to Re-Program Funds from the University Pedestrian Overpass and the NW 7th Avenue Transit Hub Projects to the Miami Intermodal Center/Earlington Heights Connector Project

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RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) authorize the execution of a Supplemental Joint Participation Agreement (SJPA), in substantially the form attached, with the Florida Department of Transportation (FDOT) to re-program funds in the amount of $1,319,928 from the Transit Urban Capital and Intermodal Development Program from the University Pedestrian Overpass and 7th Avenue Transit Hub projects to the construction of the Miami Intermodal Center/Earlington Heights (MIC/EH) Connector project.

It is further recommended that the Board authorize the receipt and expenditure of additional funds as specified in the Agreement. An equal match of $1,319,928 will be provided from existing local funding allocated for the MIC/EH Connector project from the Charter County Transit System Surtax (Surtax).

SCOPE

While this project spans portions of County Commission Districts 2, 3, 5 and 6, the impact of this project benefits the riding public, and is therefore, countywide. In addition, the projects affected by this re-programming are in County Commission Districts 3 and 7.

FISCAL IMPACT/FUNDING SOURCE

The total State participation for this SJPA is $1,319,928. The State's $1,319,928 funding contribution would be matched equally from the existing Surtax contribution towards this project. This SJPA will provide additional funding of $1,319,928 from existing State funding allocated for the University Pedestrian Overpass ($1,000,000) and the NW 7th Avenue Transit Hub ($319,928) projects.

Reallocation of these funds to the MIC/EH Connector project increases the State's total participation to $101,319,928 and reduces the Department's bond financing. There is no additional current or future impact on the annual County budget, as this item is requesting re-programming of already approved funding between projects. The County match for the MIC/EH has already been allocated.

TRACK RECORD/MONITOR

MDT has entered into numerous funding agreements with FDOT for more than twenty-five (25) years. The project manager for this grant is Patricia Barry, Administrative Officer 3, MDT Financial Services

DELEGATED AUTHORITY

In accordance with Section 2-8.3 of the Miami-Dade County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution, which include authority for the Mayor, or Mayor's designee, to execute the agreement and expend these and any additional funds should they become available.

BACKGROUND

On June 9, 2002, the Board adopted Ordinance No. 02-116, authorizing the levy of a one half cent transit system surtax for the People's Transportation Plan (PTP), subsequently approved by voters on November 5, 2002. A program for corridor improvements was identified and included in the PTP, providing the local funding match required for future Federal and State funding to support the design and construction. Among the corridors identified was the 2.4-mile Metrorail connection between the Earlington Heights Metrorail Station and the MIC, located on the east side of the Miami International Airport (MIA).

In addition to serving as a central transfer point for Metrorail, Metrobus, South Florida Regional Transportation Authority (SFRTA), Amtrak and private charter services, the MIC will also consolidate all car rental agencies into one facility. The MIC will be a primary link to MIA, an employment center with over 40,000 jobs, offering transportation alternatives for workers and travelers thereby reducing traffic congestion in and around MIA.

On May 3, 2005, the Board approved Resolution No. R-486-05 authorizing a Joint Participation Agreement (JPA) for State funding in the amount of $100 million. This multi-year JPA includes funding through fiscal year 2010, subject to annual legislative appropriation.

The recommended SJPA will provide additional State funding re-allocated from the NW 7th Avenue Transit Hub and the University Pedestrian Overpass projects. The existing agreement with the State for both of these projects expires on June 30, 2010 and these monies are only eligible for transit-related projects.

At present, MDT is financially unable to provide the matching funds required by the State in the existing JPA for the University Pedestrian Overpass project. However, at present a local "overmatch" exists on the MIC/EH project given the large local contribution to this project; hence, no new local funding source would be required as a match in order to reallocate the funds to this project. Therefore, to preserve the funding, the State has approved re-programming of these funds totaling $1,319,928 to the MIC/EH Connector project, using the existing Surtax funding allocation on this project as the funding source for the local match. With this SJPA, the State's participation is increased to $101,319,928.

MDT continues to identify and pursue available funding sources for the University Pedestrian Overpass project that do not require a local match. In the interim, MDT will work closely with the City of Coral Gables and the University of Miami to address safety concerns and to develop a scope of work which will provide safety improvements within the same proposed location.

The NW 7th Avenue Transit Hub project is adequately funded by other funding sources such as Federal Transit Administration, Government Obligation Bonds (GOB) and Low Income Tax Credits and does not require the use of the $319,928 funding provided in the existing JPA with the State.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: June 15, 2010

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

SUBJECT: Agenda Item No. 14(A)(18) Resolution No. R-686-10

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 Manager'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. 14(A)(18)
6-15-10

RESOLUTION NO. R-686-10

RESOLUTION AUTHORIZING EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO RE-PROGRAM FUNDS FROM THE UNIVERSITY PEDESTRIAN OVERPASS AND THE 7th AVENUE TRANSIT HUB PROJECTS TO THE MIAMI INTERMODAL CENTER/EARLINGTON HEIGHTS CONNECTOR PROJECT IN THE AMOUNT OF $1,319,928; AUTHORIZING RECEIPT AND EXPENDITURE OF FUNDS AS SPECIFIED IN THE SJPA; AUTHORIZING RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE; AND AUTHORIZING THE USE OF THE CHARTER COUNTY TRANSIT SYSTEM 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, the State of Florida is authorized to enter into agreements to provide State funding for transportation programs and projects,

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

Section 1. That this Board approves the agreement between Miami-Dade County and the Florida Department of Transportation (FDOT), in substantially the form attached hereto and made a part hereof, in the amount of $1,319,928 in additional State funds to re-program funds from the University Pedestrian Overpass and the NW 7th Avenue Transit Hub projects to the Miami Intermodal Center/Earlington Heights/Connector Project.

Section 2. That this Board further authorizes the County Mayor, Mayor's designee, or the Miami-Dade Transit (MDT) Director to execute such contracts and agreements as are approved by the County Attorney's Office; to receive and expend funds in accordance with such aforementioned contracts and agreements; and to file and execute any additional agreements, revisions, or amendments as required to carry out the projects for and on behalf of Miami-Dade County.

Section 3. That the County staff is authorized to furnish such additional information as the FDO T may require in connection with the application for the improvement.

The foregoing resolution was offered by Commissioner Audrey M. Edmonson, who moved its adoption. The motion was seconded by Commissioner Dorrin D. Rolle and upon being put to a vote, the vote was as follows:

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of June, 2010. This resolution shall become effective as follows: (1) 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, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

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

HARVEY RUVIN, CLERK

By: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT
Number One

Financial Project No.: 41799419406 /08 (item-segment-phase-sequence)	Fund: DPTO	FLAIR Category: 088774 088809
	Function: 638	Object Code: 750017 750098
	Federal No.: N/A	Org. Code: 55062020629
Contract No.: ANW95	DUNS No.: N/A	Vendor No.: F596000573129
Catalog of Federal Domestic Assistance Number: N/A		Catalog of State Financial Assistance Number: 55.01755014

THIS AGREEMENT, made and entered into this _____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter referred to as the Department, and Miami-Dade Transit 701 NW First Court, Suite 1300, Miami, FL 33136 hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 9th day of June ,2005, entered into a Joint Participation Agreement; and

WHEREAS, the Agency desires to accomplish certain project items as outlined in the Attachment "A" appended hereto; and

WHEREAS, the Department desires to participate in all eligible items for this project as outlined in Attachment "A" for a total Department Share of $101,319,928.00.

NOW, THEREFORE THIS INDENTURE WITNESSETH: that for and in consideration of the mutual benefits to flow from each to the other, the parties hereto agree that the above described Joint Participation Agreement is to be amended and supplemented as follows:

1.00 Project Description: The project description is amended

Provide State Transit Urban Capital Program and Intermodal Development Program funding for the construction of 2.6 miles of heavy rail-fixed guideway and track from the Earlington Heights Metrorail Station to the Miami Intermodal Center (MIC). State Participation Rate is 50% of the non-Federal share.

2.00 Project Cost:

Paragraph 3.00 of said Agreement is increased by $267,588,004.00 bringing the revised total cost of the project to $ 537,639,856.00.

Paragraph 4.00 of said Agreement is increased by $1,319,928.00 bringing the Department's revised total cost of the project to $ 101,319,928.00.

3.00 Amended Exhibits:

Exhibit(s) B of said Agreement is amended by Attachment "A".

4.00 Contract Time:

Paragraph 18.00 of said Agreement March 31st ,2011.

Financial Project No. 41799419406

Contract No. ANW95

Agreement Date _____

Except as hereby modified, amended or changed, all other terms of said Agreement dated June 9th 2005 and any subsequent supplements shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

AGENCY

Miami-Dade Transit
AGENCY NAME

SIGNATORY (PRINTED OR TYPED)

SIGNATURE

TITLE

FDOT

See attached Encumbrance Form for date of Funding Approval by Comptroller

LEGAL REVIEW
DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

District 6 Director of Transportation Development
TITLE

Bruce Libhaber
Approved as to form and legal sufficiency

Carson, Ed

From: The job FI989HLR
Sent: Tuesday, March 30, 2010 3:04 PM
To: Carson, Ed
Subject: FUNDS APPROVAL/REVIEWED FOR CONTRACT ANW95

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL

Contract #ANW95 Contract Type: AH Method of Procurement: G
Vendor Name: MIAMI-DADE TRANSIT
Vendor ID: VF596000573129
Beginning date of this Agmt: 06/09/05
Ending date of this Agmt: 03/31/11
Contract Total/Budgetary Ceiling: ct = $101,319,928.00
****
Description:
MDTA-Construct Metrorail link from Earlington Heights Station to the MIC.
****

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ORG-CODE      *EO  *OBJECT *AMOUNT            *FIN PROJECT  *FCT  *CFDA
(FISCAL YEAR)      *BUDGET ENTITY             *CATEGORY/CAT YEAR
AMENDMENT ID       *SEQ.   *USER ASSIGNED ID *ENC LINE(6S)/STATUS
**********************************************************************

Action: SUPPLEMENTAL   Funds have been: APPROVED

55-062020629 *PT  *750017  *      319928.00 *41799419406  *638  *
2010              *55100100                 *088774/10
S001              *00      *   ONE          *0015/04
----------------------------------------------------------------------

Action: SUPPLEMENTAL   Funds have been: APPROVED

55 062020629 *PT  *750098  *     1000000.00 *41799419408  *638  *
2010              *55100100                 *088809/10
S001              *01      *   ONE          *0016/04
----------------------------------------------------------------------
         TOTAL AMOUNT:   *$    1,319,928.00 *
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FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER
DATE: 03/30/2010

10

Financial Project No. 41799419406

Contract No. ANW95

Agreement Date _____

ATTACHMENT "A"
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

This Attachment forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and Miami-Dade Transit 701 NW First Court, Suite 1300, Miami, FL 33136 dated 6/9/2005.

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

increase State participation by $1,319,928.00. Amended project cost is increased by $2,639,856.00 to $537,639,856.00. This is a Multi-Year Agreement and includes funding through 2010.

I.	Project Cost:	As Approved	As Amended	Net
		$270,051,852.00	$537,639,856.00	$267,588,004.00
	Total Project Cost	$270,051,852.00	$537,639,856.00	$267,588,004.00

I.	Fund	As Approved	As Amended	Net
	Department:	$100,000,000.00	$101,319,928.00	$1,319,928.00
	Agency:	$170,051,852.00	$436,319,928.00	$266,268,076.00
		$0.00	$0.00	$0.00
	Total Project Cost	$270,051,852.00	$537,639,856.00	$267,588,004.00

Comments: