

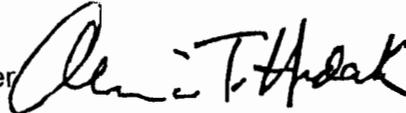
Date: May 3, 2011

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

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Resolution No. R-336-11

From: Alina T. Hudak
County Manager



Subject: Resolution Authorizing Execution of an Amendment 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 for Landscape Installation

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing execution of an amendment providing additional funds for the existing Joint Participation Agreement No. 250610-1-58-01 (JPA), 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 the County 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 the County.

FISCAL IMPACT/ FUNDING SOURCE

There will be no fiscal impact for the project portion of landscape installation as the funding source for this function specifically will be dedicated through a grant provided by FDOT as stipulated in the aforementioned JPA. While all landscape material installed by the County within the FDOT rights-of-way will be added to the PWD Beautification inventory for future maintenance by PWD, this additional inventory is not anticipated to significantly increase current costs, which are currently funded through the Department's annual General Fund allocation. The funding index code for this project is CPE333CPW17X .

TRACK RECORD/ MONITOR

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

BACKGROUND

At the Board meeting of October 2, 2007, the Board approved Resolution No. R-1106-07 authorizing execution of a JPA No. 250610-1-58-01 between the County and FDOT, providing for disbursement of grant monies in the amount of \$1,400,000 to the County for landscaping improvements. Subsequently, on April 7, 2009, the Board approved Resolution No. R-360-09 authorizing the execution of an amendment providing an extension of time and additional funds for the existing JPA in the amount of \$500,000 bringing the total contract amount to \$1,900,000.

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

Page 2

The FDOT wishes once again to extend the support to the County's roadway landscaping beautification efforts, by amending said JPA to include additional funds in the amount of \$250,000; \$125,000 for FY 10-11 and \$125,000 for FY 11-12, bringing the total contract amount to \$2,150,000.

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 FDOT for approval.

Please note this SJPA includes a provision for E-Verify. The Board was advised on March 14, 2011 via memorandum that Governor Rick Scott signed Executive Order 11-02 on January 4, 2011, requiring state agencies and their contractors and subcontractors to use this federal web-based system to confirm employment eligibility. As such, this SJPA includes said provision. The County will utilize the system as required for its own new hires working on contracts paid out of this SJPA. Furthermore, in the case of contractors and subcontractors, the County will implement the directive of verifying the employment status of same by including provisions in its contracts requiring them to assume the responsibility for performing E-Verification of those individuals who will be used in the work funded by this SJPA.


Assistant County Manager



MEMORANDUM
(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: May 3, 2011

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

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

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. 8(P)(1)(E)
5-3-11

RESOLUTION NO. R-336-11

RESOLUTION AUTHORIZING EXECUTION OF AN AMENDMENT PROVIDING ADDITIONAL FUNDS FOR THE EXISTING JOINT PARTICIPATION AGREEMENT (JPA NO. 250610-1-58-01) FOR LANDSCAPE INSTALLATIONS BETWEEN MIAMI-DADE COUNTY (COUNTY) AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), PURSUANT TO AVAILABLE FUNDING, IN THE AMOUNT OF \$250,000

WHEREAS, at the Board of County Commissioner's (Board) meeting of October 2, 2007, the Board approved Resolution No. R-1106-07 authorizing execution of a Joint Participation Agreement No. 250610-1-58-01 (JPA) between Miami-Dade County (County) and the Florida Department of Transportation (FDOT) for landscape improvements along various State maintained roadways; and

WHEREAS, at the Board meeting of April 7, 2009, the Board approved Resolution No. R-360-09 authorizing execution of an amendment to the existing JPA between the County and FDOT for an extension of time of the original expiration date and for the provision of providing additional funds; 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 amendment to provide additional FDOT funding for landscape installation in the amount of \$250,000 to the existing JPA.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

	Joe A. Martinez, Chairman	aye
	Audrey M. Edmonson, Vice Chairwoman	aye
Bruno A. Barreiro	aye	Lynda Bell aye
Jose "Pepe" Diaz	absent	Sally A. Heyman aye
Barbara J. Jordan	aye	Jean Monestime aye
Dennis C. Moss	aye	Rebeca Sosa aye
Sen. Javier D. Souto	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2011. 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 **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. *HB*

Hugo Benitez

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

This Amendment Four 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 _____, 20__.

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, the Contract was amended on June 11, 2009 and February 16, 2010, pursuant to the approval of the DEPARTMENT and of the COUNTY Commission by Resolution No. R-360-09, adopted on April 7, 2009, to increase the total contract amount to One Million Nine Hundred Thousand Dollars (\$1,900,000.00) for estimated PROJECT costs; and

WHEREAS, it is necessary to increase the total Contract amount by Two Hundred Fifty Thousand Dollars (\$250,000.00) 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 _____, 20__, to approve the PROJECT increase in the total Contract amount from \$1,900,000.00 to \$2,150,000.00.

WHEREAS, the General Requirements, Section 2, of the Contract shall be modified to include the following language:

- h. The COUNTY shall utilize the U.S. Department of Homeland Security's E-Verify system to confirm the employment of eligibility of all persons employed by the COUNTY during the term of this Agreement to perform employment duties within Florida and all persons, including subcontractors, assigned by the COUNTY to perform work pursuant to this Agreement with the DEPARTMENT.

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 Two Hundred Fifty Thousand Dollars (\$250,000.00). The contract total shall not exceed Two Million One Hundred Fifty Thousand Dollars (\$2,150,000.00).

Exhibit "A" shall be supplemented by the increased amount of Two Hundred Fifty Thousand Dollars (\$250,000.00), as detailed in the attached Exhibit 'A1'.

-----REMAINDER OF PAGE LEFT BLANK INTENTIONALLY-----

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

MIAMI-DADE COUNTY:

**STATE OF FLORIDA, DEPARTMENT OF
TRANSPORTATION:**

By: _____
County Manager

By: _____
District Secretary

**ATTEST:
(SEAL)**

**ATTEST:
(SEAL)**

By: _____
County Clerk

By: _____
Executive Secretary

LEGAL REVIEW

LEGAL REVIEW:

By: _____
County Attorney

By: _____
District Chief Counsel

EXHIBIT 'A1'

AMENDED FINANCIAL SUMMARY

FY 07/08 (Original Contract/Amendment)	FY 08/09 (Amendment 1)	FY 09/10 (Amendment 2)	FY 10/11 (Amendment 3)	FY 11/12 (Amendment 4)
\$1,400,000.00	\$250,000.00	\$250,000.00	\$125,000.00	\$125,000.00

TOTAL: \$2,150,000.00