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

Memorandum

MIAMI-DADE COUNTY

Date: July 7, 2011

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

From: Alina T. Hudak
County Manager

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

Resolution No. R-546-11

Subject: First Amendment to the County Incentive Grant Program Agreement Between the County and FDOT to Fund Rehabilitation of the Venetian Causeway Bridges

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RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing execution of a First Amendment to the County Incentive Grant Program (CIGP) Agreement between Miami-Dade County and the Florida Department of Transportation (FDOT) for the rehabilitation of the Venetian Causeway Bridges (Project).

SCOPE

The Venetian Causeway Bridges connect the Cities of Miami and Miami Beach and are located within Commission Districts 3 and 4.

FISCAL IMPACT/FUNDING SOURCE

The current CIGP Agreement between FDOT and Miami-Dade County for the rehabilitation of the Venetian Causeway Bridges is for $11,000,000. The County is required to make a local match of 50 percent ($5,500,000), which is to be provided by Public Works Department (PWD) Causeways Toll Revenue ($3,000,000) and loan proceeds from the Sunshine State Governmental Financing Commission ($2,500,000).

The Project was let by the County with bids returning lower than expected Project costs. The Project will be utilizing $8,000,800 ($4,000,400 from CIGP and $4,000,400 from the County). Due to the aforementioned lower than expected construction costs for the Project, FDOT and the County have agreed to reallocate the excess funds to two other projects. Of the available excess construction funds ($2,999,200), $1,249,200 will be reallocated towards the Advanced Traffic Management System (ATMS) Project and $1,750,000 for a Project Development and Environment (PD&E) Study of the Venetian Causeway Bridges.

Current CIGP Agreement

Funding Entity	Original Match for CIGP	Revised Match for CIGP	Excess
Miami-Dade County	$5,500,000.00	$4,000,400.00	$1,499,600.00
FDOT	5,500,000.00	4,000,400.00	1,499,600.00
TOTAL	**$11,000,000.00**	**$8,000,800.00**	**$2,999,200.00**

Proposed Reallocation of Excess CIGP Funds

Funding Entity	ATMS	PD&E Study	TOTAL
Miami-Dade County	$624,600.00	$875,000.00	$1,499,600.00
FDOT	624,600.00	875,000.00	$1,499,600.00
TOTAL	**$1,249,200.00**	**$1,750,000.00**	**$2,999,200.00**

DELEGATION OF AUTHORITY
No additional authority is being requested within the body of this contract.

TRACK RECORD/MONITOR
The implementing agency is the PWD and the Project Manager responsible for monitoring this project is Marcos Redondo, P.E., Section Head, Highway Division Bridge Section.

BACKGROUND
On May 6, 2008, the BCC approved the CIGP Agreement for the Venetian Causeway Bridges Rehabilitation through Resolution R-501-08. This Agreement provided funding for the rehabilitation of the existing bridge system to enable the continued safe operation of the Causeway. Under the CIGP funding formula, the estimated costs for the Project were equally divided between the County and FDOT. Subsequently, the Project was let by the County with bids returning lower than expected. As such, FDOT and the County have agreed to reallocate the excess funds to two other projects.

At the request of the County, the first reallocation addresses a previous administrative adjustment by FDOT in April 2009 that reduced funding by $1,249,200 for the Advanced Traffic Management System Project (ATMS). The County has also requested that FDOT perform a PD&E Study for the rehabilitation and/or replacement of the 12 existing Venetian Causeway bridges. This study is necessary for the County to apply for future federal construction funding. The PD&E Study is currently unfunded, and therefore the County has requested an allocation of $1,750,000 from the available Project construction funds for the PD&E Study. A Locally Funded Agreement is concurrently being presented for approval by the BCC under a separate resolution for the PD&E Study.

The CIGP will thus be amended to decrease the estimated total Project costs from $11,000,000 to $8,000,800, and reallocate the excess funds to the two aforementioned projects.

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: July 7, 2011

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

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

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)(A)
7-7-11

RESOLUTION NO. R-546-11

RESOLUTION AUTHORIZING FIRST AMENDMENT TO COUNTY INCENTIVE GRANT PROGRAM AGREEMENT BETWEEN MIAMI-DADE COUNTY AND FLORIDA DEPARTMENT OF TRANSPORTATION TO FUND REHABILITATION OF THE VENETIAN CAUSEWAY BRIDGES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS THEREIN

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 this amendment to the County Incentive Grant Program Agreement between Miami-Dade County and the Florida Department of Transportation, in substantially the form attached hereto and made a part hereof; authorizing the County Mayor or County Mayor's designee to execute same for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner **Xavier L. Suarez** , 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 7th day of July, 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: **Christopher Agrippa**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

AMENDMENT ONE TO COUNTY INCENTIVE GRANT PROGRAM AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND MIAMI-DADE COUNTY

This Amendment One to that certain County Incentive Grant Program ("CIGP") Agreement AOY52, executed on June 6, 2008 (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 rehabilitation of the bridges on the Venetian Causeway from 15th Street to Dade Boulevard, programmed under Financial Project Numbers 422713-1-58-01 and 422713-1-68-01 ("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 Board of COUNTY Commissioners by Resolution No. R-501-08, adopted on May 6, 2008, in the total amount of Eleven Million Dollars ($11,000,000.00) for estimated PROJECT costs; and

WHEREAS, the DEPARTMENT's maximum participation is fifty percent (50%), Five Million Five Hundred Thousand Dollars ($5,500,000.00) and all remaining costs of the PROJECT is borne by the COUNTY as a local match; and

WHEREAS, the PROJECT was let by the COUNTY with bids returning lower than expected PROJECT costs and is utilizing Eight Million Eight Hundred Dollars ($8,000,800.00) (Four Million Four Hundred Dollars ($4,000,400.00) CIGP), (Four Million Four Hundred Dollars ($4,000,400.00) COUNTY) towards the PROJECT; and

WHEREAS, the Contract was reduced on April 2, 2009, by One Million Two Hundred Forty-Nine Thousand Two Hundred Dollars ($1,249,200.00) at the request of the COUNTY to reallocate funding to the Advanced Traffic Management System Project (ATMS) due to revenue reductions for the ATMS; and

WHEREAS, the COUNTY has requested the DEPARTMENT perform a Project Development and Environment (PD&E) study for the rehabilitation and/or replacement of the twelve (12) existing bridges that comprise the Venetian Causeway from North Bayshore Drive to Purdy Avenue; and

WHEREAS, the PD&E study is necessary in order to retain the COUNTY's ability to obtain future federal construction funding; and

WHEREAS, the PD&E for the Venetian Causeway Bridges is currently unfunded, and the COUNTY has requested One Million Seven Hundred Fifty Thousand Dollars ($1,750,000.00) from the PROJECT to fund this PD&E effort; and

WHEREAS, the COUNTY Commission has adopted Resolution No. _____ on _____, 20__, to approve the amended total Contract amount from Eleven Million Dollars ($11,000,000.00) to Eight Million Eight Hundred Dollars ($8,000,800.00); and

WHEREAS, the Services and Performance, Section 1, of the Contract shall be modified to include the following language:

I. The COUNTY shall utilize the U.S. Department of Homeland Security's E-Verify system, in accordance with the terms governing use of the system, to confirm the employment eligibility of:

   i. all persons employed by the COUNTY during the term of this Agreement to perform employment duties within Florida; and

ii. 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 June 6, 2008, is hereby amended as follows:

Section 3A shall be amended to decrease the estimated total PROJECT costs from Eleven Million Dollars ($11,000,000.00) to Eight Million Eight Hundred Dollars ($8,000,800.00) and the DEPARTMENT's maximum participation from Five Million Five Hundred Thousand Dollars ($5,500,000.00) to Four Million Four Hundred Dollars ($4,000,400.00). This reduction is inclusive, and ratifies, the DEPARTMENT's April 2, 2009 reduction of the Contract at the request of the COUNTY in the amount of One Million Two Hundred Forty Nine Thousand Two Hundred Dollars ($1,249,200.00).

Exhibit "C" shall be amended as identified in the attached Exhibit "C", 'Schedule of Funding'.

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

MIAMI-DADE COUNTY:

By:

COUNTY Mayor or COUNTY Mayor's Designee

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 Chief Counsel

EXHIBIT "C"

SCHEDULE OF FUNDING

Maximum DEPARTMENT's Participation, Primary: (CIGP)

Financial Project Number **422713-1-58-01** **Amended PROJECT Construction:**			**$3,587,900.00**
Financial Project Number **422713-1-68-01** PROJECT Construction Engineering and Inspection (CEI):			$412,500.00
DEPARTMENT's TOTAL	(50%)	or	$4,000,400.00

Public Agency (COUNTY's) Participation: (Local Funds)

Financial Project Number **422713-1-58-01** **Amended PROJECT Construction:**			**$3,587,900.00**
Financial Project Number **422713-1-68-01** PROJECT Construction Engineering and Inspection (CEI):			$412,500.00
COUNTY's TOTAL	(50%)	or	$4,000,400.00

TOTAL PROJECT COST: $8,000,800.00