OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: April 3, 2012

Agenda Item No. 8(O)(4)

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Ratifying Acceptance and Execution of a Supplemental Joint Participation Agreement between Miami-Dade County and the Florida Department of Transportation for Additional Fiscal Year 2010 State Funding for the Route 288 (Kendall Cruiser) Enhanced Bus Service in the Amount of $552,200; Authorizing a Supplemental Joint Participation Agreement to Provide Additional Fiscal Year 2012 State Funding in the Amount of $800,000; And Authorizing the Use of Charter County Transportation Surtax as a Local Match

Resolution No. R-309-12

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) adopt the attached resolution ratifying the acceptance and execution of a Supplemental Joint Participation Agreement (SJPA) between Miami-Dade County and the Florida Department of Transportation (FDOT) for additional Fiscal Year (FY) 2010 State funding for the Route 288 (Kendall Cruiser) Enhanced Bus Service (EBS) in the amount of $552,200 and the execution of a SJPA in substantially the form attached hereto, with FDOT to provide additional FY 2012 State funding in the amount of $800,000 for this service.

It is further recommended that the Board ratify the local match of $552,200 for FY 2010 and approve the local match of $800,000 for FY 2012 to come from Miami-Dade Transit (MDT) Operating funds, which includes a portion of Charter County Transportation Surtax Bond proceeds.

This contract award recommendation is placed for Committee review pursuant to Miami-Dade County Code Section 29-124(f). This contract award recommendation may only be considered by the Board if the Citizens' Independent Transportation Trust (CITT) has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or forty-five (45) days have elapsed since the filing with the Clerk of the Board of this contract award recommendation. If the CITT has not forwarded a recommendation and forty-five (45) days have not elapsed since the filing of this award recommendation, I will request a withdrawal of this item.

SCOPE

While this route runs through County Commission Districts 7, 10 and 11, the impact of the project benefits the riding public, and is therefore, countywide.

FISCAL IMPACT/FUNDING SOURCE

The State is providing an additional $800,000 in FY 2012 funding for the Kendall Cruiser EBS through this SJPA. MDT Operating funds will provide the $800,000 local match for a total SJPA amount of $1,600,000. The State's total funding participation to date for this service is $1,807,200.

The current and future on-going annual operating cost for the Kendall Cruiser Bus Service is $1,313,000 and is budgeted within the 29.2 million revenue miles.

TRACK RECORD/MONITOR

MDT has entered into numerous funding agreements with FDOT over the course of more than twenty-five (25) years. The Project Manager for this SJPA is Robert Villar, Chief, Budget and Performance Reporting.

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, Mayor's designee or the MDT Director to execute the agreement and receive and expend these and any additional funds should they become available.

BACKGROUND

The State of Florida's Service Development Program provides funding for the improvement or expansion of public transit services with a focus on innovative technologies, marketing community outreach, and other techniques used for increasing service to the riding public. Projects funded with Service Development monies are limited to three (3) years or less in duration. If successful, the program must be continued using local revenues when the Service Development period is concluded.

On June 3, 2008, Resolution R-641-08 was approved by the Board for a Joint Participation Agreement (JPA) providing State funding in the amount of $1,255,000 for the operation of the Kendall Bus Rapid Transit (BRT) service on Kendall Drive. The State funding from this JPA and the $1,255,000 local match provided a total of $2,510,000 for this service.

On February 17, 2010, a subsequent Supplemental JPA providing MDT $552,200 in additional FY 2010 funding for the Kendall Cruiser EBS (formally known as the Kendall BRT) was executed by the State and is included as an attachment to this document. The $552,200 equal match provided a total of $1,104,400 for this SJPA. A Resolution ratifying the acceptance, execution and the use of MDT operating funds as the local match for this SJPA is being requested through this subsequent Board action.

The Board approved Resolution R-444-11 on June 7, 2011, which included an amendment of the original name and description of the Kendall BRT bus route service to the Kendall Cruiser EBS and changed the western terminus from SW 167th Avenue to the West Kendall Transit Terminal (SW 162nd Avenue) operating along Kendall Drive. The Kendall Cruiser EBS extends eleven miles from Dadeland North Metrorail Station to SW 162nd Avenue along SW 88th Street (Kendall Drive/SR 94) and State Rd 878. The alignment has twelve (12) bus stops in each direction along with the route termini and features sixty-foot hybrid diesel-electric buses equipped with Transit Signal Priority (TSP) to enable the buses to save time at intersections while operating in mixed traffic. The service operates at twelve (12) minute peak headways. The current average weekday boardings is 974.

Finally, the State is providing $800,000 in FY 2012 funding through this SJPA, which represents the final year of funding allowed for this service under the State of Florida's Service Development program. The State's total funding participation for this service, inclusive of this SJPA is $2,607,200.

Deputy Mayor/County Manager

MEMORANDUM

(Revised)

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

DATE: April 3, 2012

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

SUBJECT: Agenda Item No. 8(O)(4)

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(O)(4)
4-3-12

RESOLUTION NO. R-309-12

RESOLUTION RATIFYING ACCEPTANCE AND EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL FISCAL YEAR 2010 STATE FUNDING FOR THE ROUTE 288 (KENDALL CRUISER) ENHANCED BUS SERVICE IN THE AMOUNT OF $552,200; AUTHORIZING A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT FOR ADDITIONAL FISCAL YEAR 2012 STATE FUNDING IN THE AMOUNT OF $800,000; AND AUTHORIZING USE OF CHARTER COUNTY TRANSPORTATION 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 ratifies the agreement between Miami-Dade County and the Florida Department of Transportation, in substantially the form attached hereto and made a part hereof, for $552,200 in Fiscal Year (FY) 2010 State funding for the Kendall Cruiser Enhanced Bus Service; and further authorizes an agreement providing $800,000 in additional FY 2012 State funding for this service.

Section 2. That this Board further authorizes the Mayor, Mayor's designee, or Miami-Dade Transit 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; to receive and expend any additional funds should they become

vailable; 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, Florida.

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

The foregoing resolution was offered by Commissioner **Rebeca Sosa**, 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			**absent**
Audrey M. Edmonson, Vice Chairwoman			**aye**
Bruno A. Barreiro	**aye**	Lynda Bell	**aye**
Esteban L. Bovo, Jr.	**absent**	Jose "Pepe" Diaz	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**absent**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**aye**
Xavier L. Suarez	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of April, 2012. 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.

Bruce Libhaber

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

726-030-07
PUBLIC TRANSPORTATION
04/07

PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT
Number ONE (1)

Financial Project No.: 42252918401 (item-segment-phase-sequence)	Fund: DPTO	FLAIR Category: 088774
	Function: 632	Object Code: 750012
	Federal No.: N/A	Org. Code: 55062020629
Contract No.: AP156	DUNS No.: N/A	Vendor No.: F596000573129
Catalog of Federal Domestic Assistance Number: N/A		Catalog of State Financial Assistance Number: 55012

THIS AGREEMENT, made and entered into this 17 day of FEBRUARY, 2010, 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 25th day of June, 2008, 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 $1,807,200.00.

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 to provide additional Department Transit Service Development Program funding to continue operations of the Kendall BRT bus route operating on Kendall Drive (SR94) between the Dadeland North Metrorail Station and SW 167th Avenue. State Participation Rate=50% of eligible project expenses.

6

2.00 Project Cost:

Paragraph 3.00 of said Agreement is increased by $1,104,400.00

bringing the revised total cost of the project to $ 3,614,400.00.

Paragraph 4.00 of said Agreement is increased by $552,200.00

bringing the Department's revised total cost of the project to $ 1,807,200.00.

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 June 30th ,2011.

Financial Project No. 42252918401

Contract No. AP156

Agreement Date FEB 17 2010

Except as hereby modified, amended or changed, all other terms of said Agreement dated June 25th 2008 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

Ysela Llort
SIGNATORY (PRINTED OR TYPED)

SIGNATORY

Assistant County Manager
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

COUNTY COMMISSIONERS
DADE COUNTY FLORIDA

Carson, Ed

From: The Job FI989HLR
Sent: Thursday, August 13, 2009 2:52 PM
To: Carson, Ed
Subject: FUNDS APPROVAL/REVIEWED FOR CONTRACT AP156

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL

Contract #AP156 Contract Type: AH Method of Procurement: G
Vendor Name: MIAMI-DADE TRANSIT
Vendor ID: VF596000573129
Beginning date of this Agmt: 06/25/08
Ending date of this Agmt: 06/30/11
Contract Total/Budgetary Ceiling: ct = $1,807,200.00
****
Description:
MDT- Additional Transit Service Development Program operating assistance for Kendall Drive BRT project. SJPA # 1. SPR=50%.
****

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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  *750012 *      552200.00 *42252918401  *632  *
2010              *55100100                *088774/10
S001              *00      *   ONE         *0003/04
```

TOTAL AMOUNT: *$ 552,200.00 *

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER
DATE: 08/13/2009

Financial Project No. 42252918401
Contract No. AP156
Agreement Date FEB 17 2010

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 6/25/2008.

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

Additional funding for the Kendall BRT Route.

I.	Project Cost:	As Approved	As Amended	Net
		$2,510,000.00	$3,614,400.00	$1,104,400.00
	Total Project Cost	$2,510,000.00	$3,614,400.00	$1,104,400.00

I.	Fund	As Approved	As Amended	Net
	Department:	$1,255,000.00	$1,807,200.00	$552,200.00
	Agency:	$1,255,000.00	$1,807,200.00	$552,200.00
		$0.00	$0.00	$0.00
	Total Project Cost	$2,510,000.00	$3,614,400.00	$1,104,400.00

Comments:

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT
Number FOUR

Financial Project No.: 42252918401 (item-segment-phase-sequence)	Fund: DDR/DPTO	FLAIR Category: 088774
	Function: 632	Object Code: 750012
	Federal No.: N/A	Org. Code: 55062020629
Contract No.: AP156	DUNS No.: N/A	Vendor No.: F596000573129
Catalog of Federal Domestic Assistance Number: N/A	Catalog of State Financial Assistance Number: 55.012	

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 25th day of June ,2008, 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 $2,607,200.00.

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 to provide additional SFY 2012 Transit Service Development funding for the Kendall Enhanced bus service on Kendall Drive (SR94) between Dadeland North Metrorail Station and SW 167 Avenue. Other terms and conditions remain the same. State Participation Rate = 50% of eligible project expenses.

2.00 Project Cost:

Paragraph 3.00 of said Agreement is increased by $1,600,000.00 bringing the revised total cost of the project to $ 5,214,400.00.

Paragraph 4.00 of said Agreement is increased by $800,000.00 bringing the Department's revised total cost of the project to $ 2,607,200.00.

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 June 30th ,2013.

5.00 E-Verify

Vendors/Contractors:

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Vendor/Contractor during the term of the contract; and
2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

Financial Project No. 42252918401

Contract No. AP156

Agreement Date _____

Except as hereby modified, amended or changed, all other terms of said Agreement dated June 25th 2008 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

Director of Transportation Development - D6
TITLE

Bruce Lubliner
Approved as to form and legal sufficiency

Carson, Ed

From: The job FI989NDR
Sent: Tuesday, October 11, 2011 2:42 PM
To: Carson, Ed
Subject: FUNDS APPROVAL/REVIEWED FOR CONTRACT AP156

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL

Contract #AP156 Contract Type: AH Method of Procurement: G
Vendor Name: MIAMI-DADE TRANSIT
Vendor ID: VF596000573129
Beginning date of this Agmt: 06/25/08
Ending date of this Agmt: 06/30/13
Contract Total/Budgetary Ceiling: ct = $2,607,200.00
****
Description:
MDT-Kendall Drive EBS operating assistance. SJPA #4.

****
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 *750013 * 800000.00 *42252918401 *632 *
2012 *55100100 *088774/12
S002 *00 * FOUR *0004/04

TOTAL AMOUNT: *$ 800,000.00 *

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER
DATE: 10/11/2011

Financial Project No. 42252918401

Contract No. AP156

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 _____.

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

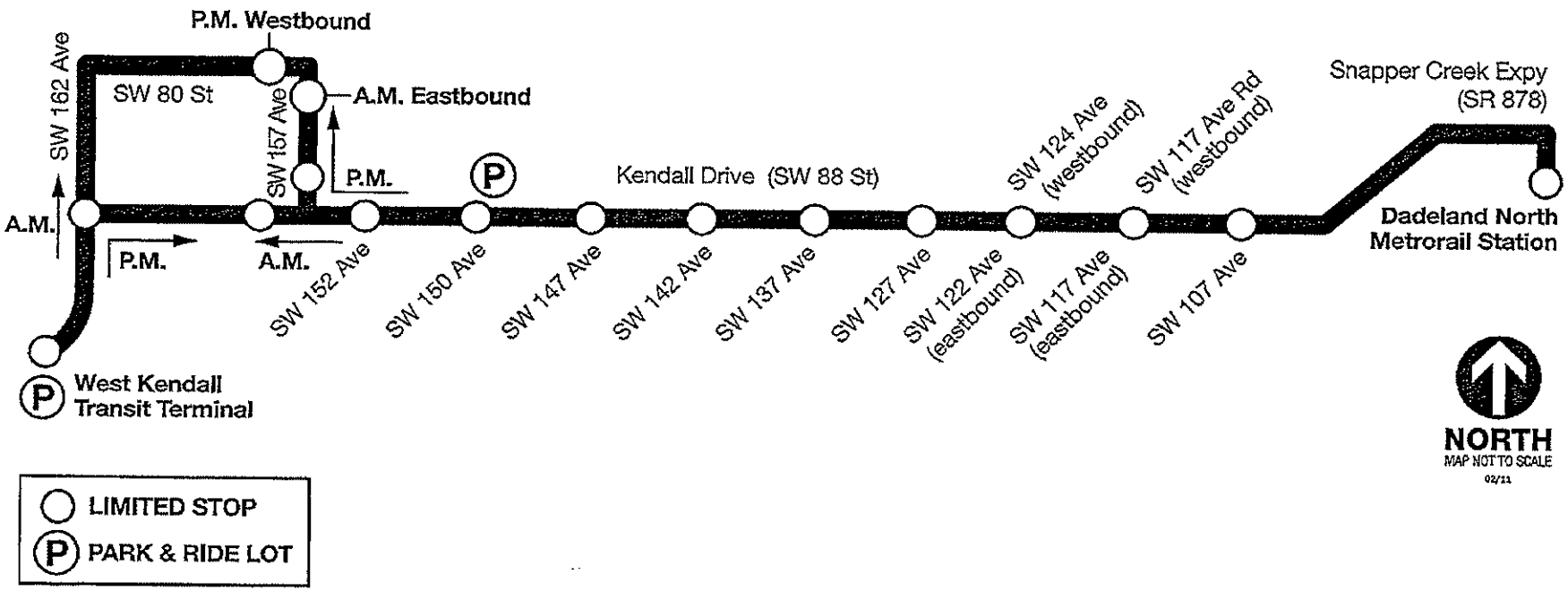
Additional funding for Kendall Enhanced bus service requested by MDT.

I.	Project Cost:	As Approved	As Amended	Net
		$3,614,400.00	$5,214,400.00	$1,600,000.00
	Total Project Cost	$3,614,400.00	$5,214,400.00	$1,600,000.00

II.	Fund	As Approved	As Amended	Net
	Department:	$1,807,200.00	$2,607,200.00	$800,000.00
	Agency:	$1,807,200.00	$2,607,200.00	$800,000.00
		$0.00	$0.00	$0.00
	Total Project Cost	$3,614,400.00	$5,214,400.00	$1,600,000.00

Comments:

Route 288
Kendall Cruiser



Memorandum

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

From: Charles Scurr, Executive Director

Date: March 21, 2012

Re: **CITT AGENDA ITEM 5F:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THAT THE BOARD OF COUNTY COMMISSIONERS (BCC), RATIFY ACCEPTANCE AND EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR ADDITIONAL FISCAL YEAR 2010 STATE FUNDING FOR THE ROUTE 288 (KENDALL CRUISER) ENHANCED BUS SERVICE IN THE AMOUNT OF **$552,200.00**; AUTHORIZING A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT FOR ADDITIONAL FISCAL YEAR 2012 STATE FUNDING IN THE AMOUNT OF **$800,000.00**; AND AUTHORIZING USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS **(MDT – BCC Legislative File No. 120352)**

On March 21, 2012, the CITT voted (10-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 12-027. The vote was as follows:

Hon. Linda Zilber, Chairperson – Aye
Paul J. Schwiep, Esq., 1st Vice Chairperson – Aye
Hon. Anna E. Ward, Ph.D., 2nd Vice Chairperson – Aye

Christopher Benjamin, Esq. – Absent
David Concepcion – Absent
Glenn J. Downing, CFP® – Aye
Alfred J. Holzman – Aye
Miles E. Moss, P.E. – Aye
Marilyn Smith – Absent
Harold Braynon, Jr. – Absent
Joseph Curbelo – Aye
Peter L. Forrest – Aye
Prakash Kumar – Aye
Hon. James A. Reeder – Aye

cc: Alina Hudak, Deputy Mayor/County Manager
Bruce Libhaber, Assistant County Attorney
Alexander Bokor, Assistant County Attorney