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

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 8(L)(2)

Date: March 3, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: First Amendment to the Joint Participation Agreement Between Miami-Dade County and the City of Doral, to Provide the City with Additional Funding in an Amount up to $650,042.72 for the Construction of Road Improvements Along NW 97 Avenue from NW 70 Street to NW 74 Street Resolution No. R-218-15

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing execution of a First Amendment to the Joint Participation Agreement (JPA) between Miami-Dade County and the City of Doral (City) to reimburse the City up to an additional $650,042.72 for the construction of a road improvement project along NW 97 Avenue from NW 70 Street to NW 74 Street (Project).

SCOPE

The Project lies both in unincorporated Miami-Dade County and the City in Commissioner Jose "Pepe" Diaz's District 12.

FISCAL IMPACT/FUNDING SOURCE

The maximum increase in cost to the County as a result of this Amendment is $650,042.72. The County's participation in funding has increased from the original amount of $976,752.70 to $1,626,795.42. Road Impact Fee District 1 will continue to provide the County's funding for the Project.

TRACK RECORD/MONITOR

The Project will be assigned to Mr. Bassam Moubayed, CFM, Chief, Construction Division, Miami-Dade County Public Works and Waste Management Department (PWWM), who will oversee construction inspections conducted by PWWM staff, before the release of funds is recommended.

Whenever County funds are utilized for work under this JPA, the City agrees to comply with applicable County regulations including, but not limited to, the Community Small Business Enterprise (CSBE) Program, Community Business Enterprise (CBE) Program, the Community Workforce Program (CWP), and the Responsible Wages and Benefits Ordinance (Ordinance No. 90-143). The work covered under this JPA has been reviewed by the County's Small Business Development Division and a Contract Measure Recommendation of 22.94 percent was established for a CSBE Subcontractor Goal.

BACKGROUND

On January 22, 2014, the Board approved the subject JPA under Resolution No. R-48-14. Under the JPA, the City would be provided up to $976,752.70 of the cost for the construction of a road improvement project along NW 97 Avenue from NW 70 Street to NW 74 Street.

Due to the inclusion of additional construction items such as sidewalks, required tree and fence relocations identified during the design process, the cost of the Project has been adjusted to a

new estimated total of $1,626,795.42, which is higher than the original amount provided under the JPA (see attached letter from the City of Doral). This increase will be provided by up to $650,042.72 from Road Impact Fee District 1 funds. The City Council approved this Amendment on November 12, 2014 under Resolution No. 14-170. The Project is tentatively scheduled to begin construction in March 2015.

Attachment

Alina T. Hudak
Deputy Mayor

Jose Olivo

Public Works Director

September 17, 2014

Antonio J. Cotarelo, P.E.
County Engineer/Deputy Director
Public Works & Waste Management Department
111 NW 1st Street, 14th floor
Miami, FL 33128

Re: NW 97 Avenue Joint Participation Agreement Amendment Request

Dear Mr. Cotarelo,

On February 14, 2014, Miami-Dade County (County) and the City of Doral (City) entered into a Joint Participation Agreement (JPA) for the construction of roadway improvements along NW 97 Avenue from NW 70 Street to NW 74 Street. At the time the JPA was developed, the scope of the project included construction of a new four (4) lane roadway, a storm drainage system, pavement markings, signing, roadway lighting, sidewalk and curb and gutter that had an estimated construction cost of $976,752.70. The scope of the project remained generally consistent during the final design phase of the project; however, the inclusion of the following items was required as the City proceeded with the design of the project:

- The cost developed for the JPA did not anticipate extending the six foot sidewalk throughout the corridor and the significant increase in the amount of curb and gutter that would be needed for the project. The difference in quantities amounts to a $136,600 increase in the cost estimate developed as part of the design.
- The difference in quantities and unit costs developed for the JPA and design cost estimates for eight inch limerock base resulted in a $145,000 increase in the design cost estimate.
- The cost developed as part of the JPA included two inches of friction course whereas the pavement design approved by the County proposed two inches of structural course and one inch of friction course. The additional asphalt resulted in a $109,000 increase in the cost estimate developed as part of the design.
- As a result of the approved typical roadway section, all 136 palm trees that exist along the corridor need to be relocated. The JPA cost estimate did not include this item which amounts to a $68,000 increase in the cost estimate developed as part of the design.
- The existing fence along both sides of the corridor needs to be reset due the change in elevation as part of the roadway construction. The resetting of the fences was not anticipated during the development of the JPA and is estimated to cost $40,000.
- As the subtotal increased due to the items noted above, so did items such as Mobilization and Contingency that are calculated as a percentage of the subtotal. The difference in subtotals resulted in a $125,200 increase in the cost estimate developed as part of the design.

The construction cost developed as part of the final design is estimated at $1,626,795.42. The inclusion of the items noted above along with other requirements and differences in estimating the project cost has resulted in an increase from the approved JPA amount of $650,042.72. As such, the City would like to request an amendment to the JPA in the amount of $650,042.72 in order to cover all required eligible costs.

If you should have any questions or need any additional information, please feel free to contact Jorge Gomez at (305) 593-6740 or by email at Jorge.Gomez@cityofdoral.com.

Respectfully,

Jose Olivo, P.E.
Public Works Director

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: March 3, 2015

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

SUBJECT: Agenda Item No. 8(L)(2)

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 Mayor'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(L)(2)
3-3-15

RESOLUTION NO. R-218-15

RESOLUTION APPROVING FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF DORAL TO PROVIDE THE CITY WITH ADDITIONAL FUNDING IN AN AMOUNT UP TO $650,042.72 FOR THE CONSTRUCTION OF ROAD IMPROVEMENTS ALONG NW 97 AVENUE FROM NW 70 STREET TO NW 74 STREET; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

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

WHEREAS, both the City of Doral and Miami-Dade County wish to facilitate the construction of a road improvement project along NW 97 Avenue from NW 70 Street to NW 74 Street; and

WHEREAS, due to the inclusion of additional roadway items and adjustment of project quantities, $650,042.72 is required to adjust the amount provided under the Joint Participation Agreement from $976,752.70 to $1,626,795.42,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves this amendment to the Joint Participation Agreement between Miami-Dade County and the City of Doral, providing up to an additional $650,042.72 to the City for eligible expenses incurred in the construction of these improvements, in substantially the form attached hereto and made a part hereof; and 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 **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Jean Monestime, Chairman			**aye**
Esteban L. Bovo, Jr., Vice Chairman			**absent**
Bruno A. Barreiro	**absent**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**absent**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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

FIRST AMENDMENT TO JOINT PARTICIPATION AGREEMENT FOR NW 97 AVENUE FROM NW 70 STREET TO NW 74 STREET BETWEEN MIAMI-DADE COUNTY AND THE CITY OF DORAL

This First Amendment to the Joint Participation Agreement is made and entered into this _____ day of _____, 2015, by and between Miami-Dade County, a political subdivision of the State of Florida, herein referred to as the "County", and the City of Doral, a political subdivision of the State of Florida, herein referred to as the "City".

WITNESSETH

WHEREAS, pursuant to Resolution No. R-48-14, approved by the Board of County Commissioners of Miami-Dade County, Florida, on January 22, 2014, the parties hereto entered into a Joint Participation Agreement to facilitate the construction of a road improvement project in Miami-Dade County, (the "Agreement") along NW 97 Avenue, from NW 70 Street to NW 74 Street in Doral, Miami-Dade County, as more particularly described in the Agreement (the "Project"); and

WHEREAS, due to the inclusion of additional roadway items, an additional $650,042.72 is required to adjust the amount provided under the Joint Participation Agreement from $976,752.70 to $1,626,795.42; and

WHEREAS, the Agreement allows for the amendment of the of the County funds available for the Project subject to the approvals of the parties' respective governing boards; and

WHEREAS, as of the date of this amendment the County has not made

any reimbursements to the City,

NOW, THEREFORE, in consideration of the mutual desires of the parties hereto, the following modifications are made to the aforementioned Agreement:

2.1 **Funding Amount, Reimbursement of Project Costs**: The County agrees to provide funds up to ~~$976,752.70~~$1,626,795.42 (this amount includes ten percent (10%) contingency) for eligible costs, as defined herein, incurred by the City for the construction of the Project. The County shall disburse to the City funds for the Project in the manner set forth in Section 4. The County shall incur no liability for any costs in excess of said funding amount unless there has been a duly authorized increase approved by the Board of County Commissioners. The City shall not be obligated to commence work should the bid amount exceed the funding provided by the County. If the bid amount exceeds the funding amount, the City reserves its rights to reject all bids and re-bid the Project.

2.2. **County Payments of Project Costs**. The County funds provided for eligible expenses as defined herein, incurred for the construction of the Project under this Agreement are specified below:

Funding Amount	Funding Source	County Fiscal Year of Commitment
~~$976,752.70~~ $1,626,795.42	Road impact Fee District 1	2014-2015

In all other respects, except as herein amended, the original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written.

ATTEST:

HARVEY RUVIN
CLERK OF THE BOARD

BY: _____
Deputy Clerk

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

BY: _____
County Mayor or County Mayor' Designee

Approved by County Attorney
as to form and legal sufficiency _____
County Attorney

ATTEST:

BY: _____
Barbara Herrera
City Clerk

CITY OF DORAL, a municipal
corporation of the State of Florida

BY: _____
Edward A. Rojas
City Manager

(Affix City Seal)

Approved by City Attorney
as to legal form and correctness:

_____
City Attorney

RESOLUTION NO. 14-170

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE NW 97 AVENUE JOINT PARTICIPATION AGREEMENT WITH MIAMI-DADE COUNTY FOR THE INCREASE IN FUNDING TO $1,626,795.42 TO MATCH THE ESTIMATE DEVELOPED AS PART OF THE FINAL DESIGN; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in May 2013, the City of Doral (City) Council authorized the City Manager to enter into a Joint Participation Agreement (JPA) with Miami-Dade County (County) for the construction of NW 97 Avenue from NW 70th Street to NW 74th Street (Project); and

WHEREAS, in May 2013, per Resolution 13-45, City of Doral (City) Council authorized the City Manager to advance funds for construction of project in the amount of $1.5 million; and

WHEREAS, in September 2013, the City Council authorized the Public Works Department (PWD) to proceed with the design of the Project which is currently substantially completed; and

WHEREAS, the construction cost estimate developed as part of the design ($1,626,795.42) is substantially higher than the estimate developed at the time the original JPA was executed ($976,752.70); and

WHEREAS, the PWD has coordinated with the County for the approval of the design cost estimate and initiation of an amendment to the original JPA to increase the funding to the design estimate amount ($1,626,795.42); and

WHEREAS, the PWD respectfully requests that the City Council authorize the City Manager to execute the First Amendment to the Joint Participation Agreement for NW 97th

Avenue from NW 70th Street to NW 74th Street that would increase the JPA funding to $1,626,795.42 and would be available for reimbursements to the City for eligible costs on the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. Approval. The City Council of the City of Doral hereby authorizes the City Manager to execute the First Amendment to the Joint Participation Agreement for NW 97th Avenue from NW 70th Street to NW 74th Street, attached as Exhibit A, that would increase the JPA funding to $1,626,795.42 and would be available for reimbursements to the City for eligible costs on the Project.

Section 3. Implementation. The City Manager and the City Attorney are hereby authorized to take all such actions as may be necessary to implement the purpose of this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing resolution was offered by Vice Mayor Ruiz who moved its adoption. The motion was seconded by Councilmember Cabrera and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED and ADOPTED this 12th day of November, 2014

LUIGI BORIA, MAYOR

ATTEST:

BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

WEISS, SEROTA, HELFMAN, PASTORIZA
COLE AND BONISKE
CITY ATTORNEY

STATE OF FLORIDA
COUNTY OF MIAMI-DADE
I, Barbara Herrera
Of the City of Doral, Florida do hereby certify that the above and foregoing is a true and correct copy of the original thereof on file in this office.
WITNESS, my hand and the seal of said City
this 25th day of Nov. AD20 14
By: Barbara Herrera

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