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

Memorandum

MIAMI-DADE COUNTY

Date: April 19, 2016

Agenda Item No. 3(B)(1)

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Approving Terms of and Authorizing the County Mayor, County Mayor's Designee or Miami-Dade County Department of Transportation and Public Works Director to Execute a Supplemental Joint Participation Agreement #2 with the Florida Department of Transportation to Amend the Description for the Northeast Transit Hub Enhancements Project at Aventura Mall

Resolution No. R-310-16

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the terms of and authorize the County Mayor, County Mayor's Designee or Miami-Dade County (County) Department of Transportation and Public Works (DTPW) Director to execute a Supplemental Joint Participation Agreement #2 (SJPA) in substantially the form attached hereto with the Florida Department of Transportation (FDOT) to amend the description for the Northeast Transit Hub Enhancements (NETHE) project at the Aventura Mall. Currently the NETHE project consists of improvements to the existing transit hubs located at the Northeast 163 Street Mall (Phase I) and the Aventura Mall (Phase II). This amendment will delete the proposed improvements to the existing transit hubs at the Aventura Mall and replace it with a new Bus Terminal/Layover Area project.

This agenda item 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 45 days have elapsed since the filing with the Clerk of the Board of this agenda item. If the CITT has not forwarded a recommendation and 45 days have not elapsed since the filing of this recommendation, I will request a withdrawal of this item.

SCOPE

While this project is in Commissioner Sally A. Heyman's District 4, the impact of the project benefits the riding public and is, therefore, countywide.

FISCAL IMPACT/FUNDING SOURCE

This SJPA is for a scope change only and does not provide additional state funding. To date, the State has provided $1,641,927.00 in County Incentive Grant Program (CIGP) funding for Phases I and II of the NETHE project. The $1,641,927.00 required local match is being provided by the County using Charter County Transportation Surtax (Surtax) bond proceeds for a total State Agreement amount of $3,283,854.00.

The estimated cost for the improvements at the NE 163 Street Mall is $1,921,583.00 (including state and local match). The estimated cost of the new Bus Terminal/Layover Area at the Aventura Mall is $3,432,271.00. The current funding available from the State's agreement for the Aventura Mall component of the NETHE project is $1,362,271.00 (including state and local match). Of this amount, $930,000.00 will be used towards the license fee for a new License Agreement to enable the County's use of the new transit facilities being built by the Aventura Mall, as part of their expansion project.

The estimated future annual operating and maintenance cost resulting from the implementation of the NETHE Aventura Mall project is approximately $40,000.00, and will be funded through DTPW's operating budget.

TRACK RECORD/MONITOR

The County has entered into numerous funding agreements with FDOT over the course of more than 28 years. The Grant Manager for this SJPA is Ed Carson of DTPW's Financial Services Division.

BACKGROUND

The CIGP was created by Section 339.2817 of the Florida Statues, as authorized by State Legislature in 2000, with the purpose of providing grants to counties, improvement of transportation facilities located on the State Highway Systems, or relieving traffic congestion on the State Highway System.

On June 15, 2010, the Board approved Resolution R-687-10 for the execution of the original agreement with FDOT in the amount of $1,348,442.00 for the construction of the Northeast Passenger Activity Center (NEPAC) project. The proposed site for this project was located between NE 164 Street and Mischon Athletic Field, and between NE 15 Avenue and NE 16 Avenue. The state funding included in the agreement was contingent upon Miami-Dade Transit (now DTPW) and the City of North Miami Beach identifying a final site for the NEPAC by January 31, 2011. Miami-Dade Transit worked closely with the City of North Miami Beach but was unable to reach an agreement on the project scale, scope, and cost, which resulted in being unable to meet the State's deadline to identify a final project site.

To preserve the funding provided by the original agreement, Miami-Dade Transit identified other feasible alternatives. These alternatives included improvements to the existing transit hubs located at the NE 163 Street and Aventura Malls. The transit hub locations include the NE 167 Street Bus Hub, NE 15 Avenue Bus Hub, NE 163 Street Bus Stop, Aventura Mall Bus Relief Areas, Aventura Mall Entrance Bus Stop Improvements, and Aventura Mall Publix Shopping Center Stop (NE 29 Place). These locations were collectively described as the "Northeast Transit Hub Enhancements."

On June 7, 2011, the Board approved Resolution R-443-11 for Supplemental Joint Participation Agreement #1, which amended the original name and scope of the NEPAC to the NETHE, and provided additional funding in the amount of $293,485.00, bringing the total state funding to $1,641,927.00. This state funding along with the County's equal local match provided a total agreement of $3,283,854.00.

This SJPA will delete the existing Aventura Mall project and replace it with a new Bus Terminal/Layover Area project located in an existing parking garage at the Aventura Mall. The funding from this SJPA will be used to procure and install four (4) Ticket Vending Machines, ten (10) Security Cameras (CCTV), and four (4) Next Bus Arrival Signs. The project will be accomplished through terminating the existing License Agreement entered into on April 24, 2000 and preparing a new License Agreement between the County and the Aventura Mall Venture. The new License Agreement will include a one-time license fee of $3,000,000.00 to be paid to the mall, of which $930,000.00 will be provided by the current State Agreement. The new License Agreement will enable the County's use of the new transit facilities being built by the Aventura Mall as part of their Expansion project. The proposed License Agreement will be presented to the Board for approval as a separate item.

Both the NE 163 Street Mall and Aventura Mall sites provide strategic transit service connectivity, as they serve the northeast County area and are major destination points with important bus connections. The NE 163 Street Mall improvements will be substantially completed by March 2016. The estimated completion of the Aventura Mall Bus Terminal/Layover Area project is December 2016.

Alina T. Hudak
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: April 19, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(B)(1)

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

_____ Statement of social equity 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. 3(B)(1)
4-19-16

RESOLUTION NO. R-310-16

RESOLUTION APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT #2 WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION TO AMEND THE DESCRIPTION OF THE NORTHEAST TRANSIT HUB ENHANCEMENTS PROJECT AT THE AVENTURA MALL (PHASE II), AND AUTHORIZING RECEIPT AND EXPENDITURE OF ANY ADDITIONAL FUNDS SHOULD THEY BECOME AVAILABLE

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 Florida Department of Transportation ("FDOT") has provided to the County a total of $1,641,927.00 in County Incentive Grant Program funding for the Northeast Transit Hub Enhancements (NETHE) project,

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

Section 1. This Board approves the Supplemental Joint Participation Agreement #2 between Miami-Dade County and FDOT, in substantially the form attached hereto and made a part hereof, to amend the description for the NETHE project at the Aventura Mall (Phase II).

Section 2. This Board authorizes the County Mayor or County Mayor's designee to execute the Supplemental Joint Participation Agreement #2 to receive and expend any additional County Incentive Grant Program funds should they become available so long as no additional matching County funds are required.

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

Jean Monestime, Chairman **aye**
Esteban L. Bovo, Jr., Vice Chairman **aye**

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

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of April, 2016. 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.

Alex S. Bokor

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT
Number TWO

Financial Project No(s): 41050539401 (item-segment-phase-sequence)	Fund: CIGP	FLAIR Category: 088809
	Function: 639	Object Code: 750098
	Federal No.: N/A	Org. Code: 55062020629
Contract No.: APV19	DUNS No.: 80-939-7102	Vendor No.: F596000573129

Catalog of Federal Domestic Assistance Number: N/A
CFDA Title: N/A

Catalog of State Financial Assistance Number: 55.008
CSFA Title: County Incentive Grant Program

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 1st Court, Suite 1300, Miami, Florida, 33136 hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 30 day of June 2010, 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 $1,641,927.00.

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 amend the scope of the Northeast Transit Hub Enhancements Project as follows - Original Aventura Mall project is deleted and replaced with the new MDT Bus Terminal and Layover Area project located in an existing parking garage at the Aventura Mall.

See Attachment 1 for Revised Project Budget. All other terms of Agreement remain the same.

State Participation Rate is 50%.

2.00 Project Cost:

Paragraph 3.00 of said Agreement is ☐ increased/ ☐ decreased by $0.00 bringing the revised total cost of the project to $3,283,854.00.

Paragraph 4.00 of said Agreement is ☐ increased/ ☐ decreased by $0.00 bringing the Department's revised total cost of the project to $1,641,927.00.

3.00 Amended Exhibits:

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

4.00 Contract Time:

Paragraph 16.00 of said Agreement December 31st, 2016.

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(s) 41050539401

Contract No. APV19
Agreement Date

Except as hereby modified, amended or changed, all other terms of said Agreement dated June 30 2010 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

D6 - Director of Transportation Development
TITLE

Financial Project No(s) 41050539401

Contract No. APV19
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 1st Court, Suite 1300, Miami, Florida, 33136
dated 6/10/2010.

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

- project scope changed regarding the Aventura Mall project. Original project deleted and changed to the new MDT Bus Terminal and Layover Area project located in an existing parking garage at the Aventura Mall. One year time extension provided to complete project.

I.	Project Cost:	As Approved	As Amended	Net Change
		$3,283,854.00	$3,283,854.00	$0.00
	Total Project Cost	$3,283,854.00	$3,283,854.00	$0.00

II.	Fund Participation:	As Approved	As Amended	Net Change
	Department:	$1,641,927.00	$1,641,927.00	$0.00
	Agency:	$1,641,927.00	$1,641,927.00	$0.00
				$0.00
	Total Project Cost	$3,283,854.00	$3,283,854.00	$0.00

Comments:

Attachment 1

10

MDT NORTHEAST TRANSIT HUB ENHANCEMENTS (NETHE) REVISED PROJECT BUDGET NE 163rd STREET & AVENTURA MALL LOCATIONS			FM No.: 410505-3 Contract No.: APV19
	Phase I Bus Improvements at NE 163rd Street Mall	Phase II Bus Terminal at Aventura Mall	Grand Total
Cost Category			
Construction	$ 1,374,797		$ 1,374,797
Peliminary Engineering and Final Design	$ 209,490		$ 209,490
Project Management and Construction, Engineering, Inspection (CEI)	$ 122,754		$ 122,754
Legal/Permitting/Insurance	$ 4,630		$ 4,630
Survey/Geotech/Other	$ 41,613		$ 41,613
Contingency	$ 133,579		$ 133,579
Construction Cost Subtotal =	$ 1,886,863		
Right of Way Acquisition	$ 34,720		$ 34,720
Procure & Install 4 Ticket Vending Machines *		$ 282,429	$ 282,429
Procure & Install 10 Close Circuit Television Security Cameras *		$ 45,100	$ 45,100
Procure & Install 4 Variable Message Signs and other IT equipments*		$ 60,742	$ 60,742
Installation, Programming and Commissioning		$ 44,000	$ 44,000
One-time License Fee for Aventura Mall		$ 930,000	$ 930,000
Total Estimated Costs =	$ 1,921,583	$ 1,362,271	$ 3,283,854

* Work performed by Miami-Dade Transit

rev 10/2015

Carson, Ed

From: The job FI989WMR
Sent: Monday, March 14, 2011 2:59 PM
To: Carson, Ed
Subject: FUNDS APPROVAL/REVIEWED FOR CONTRACT APV19

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL

Contract #APV19 Contract Type: AH Method of Procurement: G
Vendor Name: MIAMI-DADE TRANSIT
Vendor ID: VF596000573129
Beginning date of this Agmt: 06/30/10
Ending date of this Agmt: ~~12/31/11~~ 12/31/16
Contract Total/Budgetary Ceiling: ct = $1,641,927.00
****
Description:
MDT-NE Transit Hub Enhancements @ Aventura Mall and NE 163 St. Mall.

****

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	*750098 *	293485.00	*41050539401	*639	*
2011		*55100100		*088809/11		
S001		*00 *	ONE	*0003/04		

TOTAL AMOUNT: *$ 293,485.00 *

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER
DATE: 03/14/2011

11

Carson, Ed

From: The Job FI989NDR
Sent: Tuesday, February 23, 2010 2:56 PM
To: Carson, Ed
Subject: FUNDS APPROVAL/REVIEWED FOR CONTRACT APV19

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL

Contract #APV19 Contract Type: AH Method of Procurement: G
Vendor Name: MIAMI-DADE TRANSIT
Vendor ID: VF596000573129
Beginning date of this Agmt: 05/28/10
Ending date of this Agmt: 03/31/11
Contract Total/Budgetary Ceiling: ct = $1,348,442.00

****
Description:
MDT-NE Passenger Activity Center

****

```
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: ORIGINAL Funds have been: APPROVED

```
55 064010609 *OM  *750008  *     1295000.00 *41050539401  *639  *
2010              *55150200                 *088572/10
0001              *00      *                *0001/04
```

Action: ORIGINAL Funds have been: APPROVED

```
55 062020629 *PT  *750017  *       53442.00 *41050539402  *639  *
2010              *55100100                 *088774/10
0001              *01      *                *0002/04
```

TOTAL AMOUNT: *$ 1,348,442.00 *

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER
DATE: 02/23/2010

+5
2015

19

12