



**MIAMI-DADE COUNTY
FINAL OFFICIAL MINUTES
Transit Committee (TC)**

Board of County Commissioners

Stephen P. Clark Center
Commission Chambers
111 N.W. First Street
Miami, Florida 33128

Wednesday, July 9, 2008
As Advertised

Harvey Ruvin, Clerk
Board of County Commissioners

Kay Sullivan, Director
Clerk of the Board Division

Alicia Stephenson, Commission Reporter
(305) 375-1475





Stephen P. Clark
Government Center
111 N.W. 1st Street
Miami, FL 33128

FINAL OFFICIAL Meeting Minutes Transit Committee

Dorrin D. Rolle (2) Chair; Barbara J. Jordan (1) Vice Chair; Commissioners Audrey M. Edmonson (3), Sally A. Heyman (4), and Katy Sorenson (8)

Wednesday, July 9, 2008

2:00 PM

COMMISSION CHAMBERS

Members Present: Sally A. Heyman, Barbara J. Jordan, Dorrin Rolle, Katy Sorenson.

Members Absent: None.

Members Late: None.

Members Excused: Audrey M. Edmonson.

Members Absent County Business: None.

1 MINUTES PREPARED BY:

Report: *Alicia Stephenson, Commission Reporter, (305)
375-1475.*

INVOCATION

1A PLEDGE OF ALLEGIANCE

1B **ROLL CALL**

Report: *The following staff members were present: Assistant County Manager Ysela Llort; Assistant County Attorney Bruce Libhaber; and Deputy Clerks Judy Marsh and Alicia Stephenson.*

Assistant County Manager Bruce Libhaber noted the following changes to today's (7/9) agenda pursuant to the July 9, 2008 County Manager's memorandum of changes: Agenda Items 1D2 Supplement, 3F Supplement, and 3G Supplement, were added to the agenda; a scrivener's error in Agenda Item 3F was corrected as follows: This item was reprinted to include the County Attorney's signature page.

It was moved by Commissioner Heyman that the Committee approve the foregoing changes to the July 9, 2008 Transit Committee Agenda, as requested by the County Attorney. This motion was seconded by Commissioner Sorenson and upon being put to a vote, passed by a vote of 4-0 (Commissioner Edmonson was absent).

1C **CHAIRMAN ROLLE'S REMARK(S)****1D** **PUBLIC HEARING(S)**

1D1

081787 Ordinance

Carlos A. Gimenez,

Audrey M. Edmonson, Sally A. Heyman

ORDINANCE AMENDING SECTION 2-1421 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE STAFF SUPPORT TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 061818]

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Jordan

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing ordinance into the record.*

Chairman Rolle opened the public hearing.

Ms. Linda Zilber, Citizens' Independent Transportation Trust (CITT) Vice Chair, appeared before the Committee in support of the foregoing ordinance.

Chairman Rolle closed the public hearing.

In response to Commissioner Sorenson's question regarding whether the CITT's Executive Director would be a County employee with benefits, Commissioner Gimenez noted his intent was for the Director to be a County employee, and the intent of the ordinance was to give the CITT control of hiring and firing the Executive Director.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing ordinance.

1D2

081788 Ordinance

Carlos A. Gimenez,

Audrey M. Edmonson, Sally A. Heyman

ORDINANCE AMENDING SECTION 2-1421 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE RETAINING OF CONSULTANTS FOR THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 061815]

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Sorenson

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing ordinance into the record.*

Chairman Rolle opened the public hearing.

Ms. Linda Zilber, Citizens' Independent Transportation Trust (CITT) Vice Chair, appeared before the Committee in support of the foregoing ordinance.

Chairman Rolle closed the public hearing.

Commissioner Gimenez noted the intent of this ordinance was for consultants to be hired for the Citizens' Independent Transportation Trust (CITT) as long as hiring was within the budget approved by the County Commission. He further noted this meant no additional funds would be expended.

Ms. Linda Zilber, CITT Vice Chair, appeared before the Committee in support of the foregoing ordinance.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing ordinance.

1D2 SUPP.

082174 Report

FISCAL IMPACT STATEMENT TO ORDINANCE
AMENDING SECTION 2-1421 OF THE CODE RELATING
TO RETAINING CONSULTANTS FOR THE CITY

*Forwarded to BCC with a
favorable recommendation*

Mover: Heyman

Seconder: Sorenson

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read
the foregoing report into the record.*

*Hearing no questions or comments, the Committee
proceeded to vote on the foregoing report.*

1D3

081789 Ordinance Carlos A. Gimenez

ORDINANCE AMENDING SECTION 2-1421 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO THE FIDUCIARY DUTY OF THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE [SEE ORIGINAL ITEM UNDER FILE NO. 061819]

Deferred to next committee meeting

Mover: Heyman

Secunder: Sorenson

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing ordinance into the record.*

Chairman Rolle opened the public hearing.

Ms. Linda Zilber, Citizens' Independent Transportation Trust (CITT) Vice Chair, appeared before the Committee in support of the foregoing ordinance.

Chairman Rolle closed the public hearing.

In response to Vice Chairwoman Jordan's question regarding the process for approving contracts, Assistant County Attorney Bruce Libhaber noted that contracts were submitted to the County Commission first, then to the CITT.

Vice Chairwoman Jordan noted she believed that contracts should be submitted to the County Commission secondly, as the Commission should be able to override decisions on contracts. She indicated she would like to have the appropriate legislative measures taken to change the process accordingly.

Commissioner Gimenez noted he would be happy to join Vice Chairwoman Jordan in her efforts pertaining to such legislation.

Vice Chairwoman Jordan asked Assistant County Attorney Bruce Libhaber to place on the next Committee agenda legislation requiring that contracts be submitted for consideration first to the CITT and then to the Commission.

Commissioner Sorenson expressed concern regarding whether members of the CITT needed insurance so they could not be personally sued and whether the potential to be sued would discourage individuals from serving on the CITT.

During discussion regarding Commissioner

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Sorenson's concern, Commissioner Gimenez provided the definition of a fiduciary. He also noted that his intent in this ordinance was to balance greater independence with greater responsibility of CITT members.

Commissioner Sorenson asked Assistant County Attorney Libhaber and Assistant County Manager Llort to submit a report recommending whether the County should provide members of the CITT with insurance to indemnify them against liability for misuse of funds; regarding the feasibility of including insurance for CITT members in the budget; and identifying the operations of other boards with regard to fiduciary responsibilities and insurance.

Commissioner Heyman asked that the report also identify payment of \$1 per year to auxiliary or reserve officers, the feasibility of paying CITT members \$1 per year in order to transfer liability to the County, and whether compensating CITT members was a feasible solution to the problem of potential liability. She noted she wanted more information regarding liability, and therefore may make a motion to defer this ordinance.

Commissioner Gimenez noted he wanted to research the Public Health Trust's responsibilities and to pattern this ordinance after the responsibilities. He requested that this ordinance be deferred to the next Committee meeting.

Vice Chairwoman Jordan noted responsibilities of the Homeless and Metro-Miami Action Plan (MMAP) Trusts also needed to be considered and responsibilities of all County Trusts should be addressed in a consistent manner.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing ordinance.

Chairman Rolle's requested that Commissioner Gimenez address all concerns expressed by Committee members today when the Committee considered this ordinance again.

Commissioner Gimenez agreed.

1D4

082118 Resolution **Audrey M. Edmonson,**
Jose "Pepe" Diaz, Sally A. Heyman, Barbara J. Jordan,
Rebeca Sosa

RESOLUTION RENAMING PERFORMING ARTS
 CENTER METROMOVER STATION AS THE ARSHT
 PERFORMING ARTS METROMOVER STATION

*Forwarded to BCC with a
 favorable recommendation*

Mover: Heyman

Seconder: Sorenson

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read
 the foregoing ordinance into the record.*

*Chairman Rolle opened the public hearing;
 however, it was closed after no one appeared in
 response to Chairman Rolle's call for persons
 wishing to be heard in connection with this
 proposed ordinance.*

*Hearing no further questions or comments, the
 Committee proceeded to vote on the foregoing
 ordinance.*

2 COUNTY COMMISSION

2A

082022 Resolution **Carlos A. Gimenez**

RESOLUTION RETROACTIVELY AUTHORIZING IN-
 KIND SERVICES FROM THE MIAMI-DADE TRANSIT
 AGENCY FOR THE FEBRUARY 16, 2008 BLACK
 HISTORY PARADE SPONSORED BY THE COCONUT
 GROVE VILLAGE WEST HOMEOWNERS AND
 TENANTS ASSOCIATION, INC. A NOT-FOR-PROFIT
 ORGANIZATION, IN AN AMOUNT NOT TO EXCEED
 \$545.00 TO BE FUNDED FROM THE DISTRICT 7 IN-
 KIND RESERVE FUND

*Forwarded to BCC with a
 favorable recommendation*

Mover: Jordan

Seconder: Heyman

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read
 the foregoing resolution into the record.*

*Hearing no questions or comments, the Committee
 proceeded to vote on the foregoing resolution.*

2B

082098 Resolution Bruno A. Barreiro

RESOLUTION RETROACTIVELY AUTHORIZING IN-KIND SERVICES FROM THE MIAMI-DADE TRANSIT AGENCY FOR THE JULY 12-19, 2008 "GALA CHORUSES FESTIVAL 2008" SPONSORED BY GALA CHORUSES, INC., A NOT-FOR-PROFIT ORGANIZATION, IN AN AMOUNT NOT TO EXCEED \$8,040.00 TO BE FUNDED IN PART FROM THE DISTRICT 5 IN-KIND RESERVE FUND

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Seconder: Heyman

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing resolution.

3 DEPARTMENTS

3A

082046 Resolution

RESOLUTION AUTHORIZING EXECUTION OF RETROACTIVE CHANGE ORDER NO. 1 FOR AN INCREASE IN COST OF \$768,862.23 AND A TIME EXTENSION OF 178 CALENDAR DAYS TO CONTRACT TR05-BWX-2R BETWEEN MIAMI-DADE COUNTY AND CENTRAL FLORIDA EQUIPMENT RENTALS INC. (Miami-Dade Transit Agency)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Jordan

Seconder: Heyman

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing resolution into the record.*

In response to Commissioner Sorenson's questions regarding the reasons for this change order, Mr. Albert Hernandez, Miami-Dade Transit Deputy Director, Engineering, noted that staff originally planned to erect stop signs, but now felt signalizing the entire Busway Extension to Florida City-Segment II would be prudent and beneficial.

Hearing no questions or comments, the Committee proceeded to vote on the foregoing resolution.

Chairman Rolle asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman waive the Committee's rules and allow the foregoing resolution to be heard at the July 17, 2008 County Commission meeting.

3B

082067 Resolution

RESOLUTION AUTHORIZING EXECUTION OF FIRST AMENDMENT TO CONTRACT TR03-ADV WITH CBS OUTDOOR, INC. (FORMERLY VIACOM OUTDOOR GROUP, INC.) FOR TRANSIT ADVERTISING SERVICES FOR TRANSIT VEHICLES, METRORAIL STATIONS, AND THE SOUTH MIAMI-DADE BUSWAY ADVERTISING KIOSKS; AND AUTHORIZING THE COUNTY MAYOR, OR HIS DESIGNEE, TO EXERCISE THE FIRST RENEWAL OPTION OF THREE (3) YEARS (Miami-Dade Transit Agency)

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Secunder: Heyman

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing resolution into the record.*

In response to Commissioner Sorenson's inquiry regarding compliance with billboard regulations, Mr. Harpal Kapoor, Miami-Dade Transit (Transit Agency) Director, noted that CBS Outdoor Group, Inc. was in compliance with the County's billboard ordinances.

Vice Chairwoman Jordan asked Mr. Kapoor to submit a list of routes proposed to be cut which were related to a 4.5 million mile recommended reduction and which were identified in the budget, and that the routes be identified in terms of their location and ridership.

Hearing no further questions or comments, the Committee forwarded the foregoing resolution to the Board of County Commissioners with a favorable recommendation with the directive from Vice Chairwoman Jordan that the Transit Agency's Director submit a list of routes proposed to be cut which were related to the 4.5 million mile recommended reduction and which were identified in the budget, and that the routes be identified in terms of their location and ridership.

3C

082051 Resolution

RESOLUTION REJECTING ALL PROPOSALS FOR THE METRORAIL PORTION OF WORK OF RFP NO. 558, WAIVING COMPETITIVE BID PROCEDURES PURSUANT TO SECTION 4.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE COUNTY CODE BY TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT, AND THE REQUIREMENTS OF SECTION 2-8.4 OF THE MIAMI-DADE COUNTY CODE PERTAINING TO BID PROTEST PROCEDURES BY TWO-THIRD VOTE OF THE MEMBERS PRESENT; AUTHORIZING AWARD OF CONTRACT 558A TO VAPOR STONE RAIL SYSTEMS (VSRS), A DIVISION OF WESTINGHOUSE AIR BRAKE TECHNOLOGIES CORPORATION FOR METRORAIL HVAC OVERHAUL SERVICES AND CONTRACT 558B, WHICH RESULTED FROM AN OPEN AND COMPETITIVE REQUEST FOR PROPOSALS, FOR METROMOVER HVAC REPLACEMENT SERVICES, AUTHORIZING MAYOR OR HIS DESIGNEE TO EXECUTE AN AGREEMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE ANY CANCELLATION, OPTIONS AND RENEWAL PROVISIONS, AND TO EXERCISE ALL OTHER RIGHTS CONTAINED THEREIN (Procurement Management Department)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Jordan

Seconder: Heyman

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing resolution into the record.*

Mr. Harpal Kapoor, Miami-Dade Transit (Transit Agency) Director, responded to Vice Chairwoman Jordan's inquiry regarding why the current bid price was almost \$3 million higher than the bid estimate and regarding funds being unavailable for overhauling the Heating Ventilation Air Conditioning (HVAC) systems on 136 Metrorail cars. Mr. Kapoor noted the Transit Agency had been repairing air conditioning systems on Metrorail cars from its own budget; repairs on the systems of 68 cars had been addressed; and complete replacement of the systems for 68 cars was needed.

In response to Vice Chairwoman Jordan's inquiry regarding why a determination was made that no proposers qualified for the Small Business Enterprise selection factor, Ms. Penney Townsley, Small Business Development Director, noted that a selection factor was recommended by the review committee for this project because only one firm was certified and capable of performing the work. Ms. Townsley noted this was the default measure,

and it provided the firm with an opportunity to participate.

In response to Chairman Rolle's question as to why smaller Metromover cars cost more than larger cars, Mr. Kapoor noted that the cars were not smaller, repairs needed to be performed after 25 years, and that the Metromover had more automatic controls than Metrorail cars.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing resolution.

Chairman Rolle asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman waive the Committee's rules and allow the foregoing resolution to be heard at the July 17, 2008 County Commission meeting.

3D

081990 Resolution

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$4,564,380.01 BETWEEN HORSEPOWER ELECTRIC, INC. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ADVANCED TRAFFIC MANAGEMENT SYSTEM'S REVERSIBLE LANE CONTROL SIGNAL SYSTEM (ATMS – RLCS) REFURBISHMENT PROJECT ALONG NW 199 STREET, FROM NW 2 AVENUE TO NW 27 AVENUE (PROJECT – NO. 20070587) (Public Works Department)

Forwarded to BCC without a recommendation

Mover: Jordan

Seconder: Sorenson

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing resolution into the record.*

Ms. Penney Townsley, Small Business Development Director, responded to Vice Chairwoman Jordan's questions regarding violations of Horsepower Electric, Inc. She noted that this firm's open violation was the makeup on record prior to debarment. She also noted that the firm had submitted a plan to achieve the makeup. Ms. Townsley added that the plan was for makeup on a transit project which the firm had already been awarded.

Commissioner Heyman spoke in support of doing business with companies which had no violations. She noted that doing business with Horsepower Electric, Inc., which had violations, and allowing the company to make up violations on future contracts seemed like improper reinforcement.

In response to Commissioner Heyman's question as to whether Horsepower Electric, Inc. was the only company qualified to do the signal system refurbishment project, Ms. Calas noted Horsepower Electric, Inc. was the lowest responsible bidder.

In response to Commissioner Heyman's inquiry as to the nature of Horsepower's debarment, Ms. Townsley noted the debarment took place because of the firm's involvement in criminal activity regarding a contract at Miami-Dade Aviation Department.

Assistant County Attorney Hugo Benitez noted for the record that this debarment was already the subject of a hearing with regard to the imposition and fulfillment of a penalty. Therefore, he

continued, the reasons for the debarment could not be used to refrain from awarding the company further County work pursuant to the operation of an ordinance. However, Mr. Benitez added, another violation which appeared on the company's record may be the subject of a finding of no responsibility. In summary, he noted, this debarment had already been through the process.

Assistant County Manager Llord noted for the record that the debarment was disclosed in the foregoing resolution.

Chairman Rolle noted for the record that staff ensured the company had remedied its problems and submitted information accordingly to the Public Works Department (PWD). He also noted that staff was making a recommendation based on this information. Chairman Rolle further noted that certain companies should not be singled out to be denied contracts. Chairman Rolle noted he was basing his statement on his knowledge of various contractors. He explained that some of these contractors had violations at the airport, but squeezed through, while other contractors which appeared before this and other Committees might receive double penalties. Chairman Rolle pointed out that he wanted to ensure the County was not jeopardizing an award. He expressed concern that the County was having problems making an award even when staff had done due diligence to clear up problems with the company, and the company had cleared up the problems.

In response to Chairman Rolle's comment that "Violation of Section 10-38" appeared on handwritten page 49 many times and his inquiry as to what Section 10-38 addressed, Assistant County Attorney Hugo Benitez noted this section set forth the causes for debarment.

In response to Chairman Rolle's inquiries regarding causes for debarment, Mr. Benitez noted an allegation that Horsepower Electric, Inc. and its principals were being used as a conduit for bribery payments was proven and was the cause for the company's debarment. He also noted that Section 10-38 addressed more than bribery.

Vice Chairwoman Jordan asked Ms. Ester Calas, Public Works Department Director, to inform her of why the base contract amount, which was approximately \$4.49 million, was so much higher than the base estimate, which was approximately

\$2.6 million; however, this information was unavailable.

During discussion regarding the urgency of addressing this resolution, Ms. Calas noted PWD staff had this bid for several months and had been attempting to ensure PWD had People's Transportation Plan (PTP) funds.

Vice Chairwoman Jordan noted this was the first time the Committee was considering this resolution.

With regard to Vice Chairwoman Jordan's inquiry, Ms. Calas noted that when software was included in a construction contract, the contractor earned 15% for procuring the software. In this case, she explained, PWD staff planned to buy the software directly and supply it to the contractor in order to save at least the 15%. Ms. Calas pointed out that perhaps costs associated with the procuring the software were excluded from the base estimate; however, she did not have a copy of the engineer's estimate with her which she could use to verify this.

Vice Chairwoman Jordan noted because this project would be performed in her district (Dist. 1), and because she lacked the information she wanted, she would move this resolution without recommendation. She added that if she received the information before the resolution was considered by the Commission, she could support the resolution; otherwise, she would move to defer the resolution.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing resolution.

Chairman Rolle asked that the information requested by Vice Chairwoman Jordan be submitted to her before the foregoing resolution was considered by the full County Commission.

3E

082069 Resolution

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$795,542.00 BETWEEN UNDER POWER CORP. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED STREET LIGHTING INSTALLATION CONTRACT COUNTYWIDE (PROJECT-CICC 7360-0/08 RPQ NO. 20070601) (Public Works Department)

Forwarded to BCC with a favorable recommendation

Mover: Heyman

Seconder: Sorenson

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing resolution into the record.*

In response to Commissioner Sorenson's inquiry as to whether Light-emitting diode (LED) or high-efficiency lighting was being used, Ms. Ester Calas, Public Works Department (PWD) Director noted technology for LED street lights was not yet available, but staff was collaborating with the City of Miami in considering a new product.

In response to Commissioner Sorenson's comment that as many types of high-efficiency lighting as possible should be considered, Mr. Garfield Perry, PWD Street Lighting Coordinator, noted the most efficient light source currently being used was high pressure sodium vapor. LED lighting, he added, was about 15% less efficient and cost approximately twice as much. Solar lighting, he continued, may be suitable for very small park areas and walkways, but high pressure sodium vapor provided lighting in accordance with IES provisions and did this on an economic scale.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing resolution.

3F

081761 Resolution

RESOLUTION APPROVING A CONTRACT AWARD RECOMMENDATION IN THE AMOUNT OF \$24,060,890.52 BETWEEN THE DE MOYA GROUP, INC. AND MIAMI-DADE COUNTY FOR THE PEOPLE'S TRANSPORTATION PLAN (PTP) PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG NW 74 STREET, FROM NW 107 AVENUE TO NW 87 AVENUE AND NW 74 STREET, FROM NW 87 AVENUE TO NW 84 AVENUE, LOCATED WITHIN COMMISSION DISTRICT 12 (PROJECT NO. 20070575) (Public Works Department)

*Tabled**Mover: Heyman**Seconder: Jordan**Vote: 4-0**Absent: Edmonson*

Report: *Assistant County Attorney Bruce Libhaber read the foregoing resolution into the record.*

In response to Commissioner Heyman's inquiry as to whether a lawsuit was pending with the De Moya Group, Inc., Assistant County Attorney Hugo Benitez noted that this was correct.

Commissioner Heyman asked whether any other company could provide quality service at a legitimate price. She expressed concern that the De Moya Group, Inc. was suing the County. Commissioner Heyman noted she believed other companies wanted to provide service to and do business with the County. She also expressed concern regarding the De Moya Group's violations.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing resolution.

In response to Chairman Rolle's inquiry as to whether this resolution would go back to the department, Assistant County Attorney Libhaber noted this was correct. Mr. Libhaber pointed out that the resolution would be bid out again or some other action would be taken on it.

3F SUPP.

082154 Supplement

SUPPLEMENTAL REPORT RE: THE DE MOYA GROUP,
INC.'S COMPLIANCE WITH THE RESPONSIBLE WAGES
AND BENEFITS REQUIREMENTS - PROJECT NO.
MDAD B382B-1

Tabled
Mover: Heyman
Seconder: Jordan
Vote: 4-0
Excused: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read
the foregoing report into the record.*

*Hearing no questions or comments, the Committee
proceeded to vote on the foregoing report.*

3G

081765 Bid Awards

CONTRACT AWARD RECOMMENDATION FOR
TERMINAL D PARKING GARAGE RE-BID - PROJECT
NO: 2006.019R; CONTRACT NO: 2006.019R, TO PEREZ
GURRI CORPORATION DBA N & J CONSTRUCTION
CORPORATION (Seaport Department)

*Forwarded to the BCC by the BCC
Chairperson with a favorable
recommendation*

Mover: Heyman

Seconder: Sorenson

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing resolution into the record.*

Commissioner Heyman noted she understood that a bid protest on this project was resolved. She also noted she was aware that the project was re-advertised, at which time the lowest bidder, The Tower Group, was found to be non-responsive.

In response to Commissioner Heyman's request for clarification regarding proceeding with the project, Mr. Bill Johnson, Seaport Director, provided background information on this resolution. Mr. Johnson explained that when the project originally was bid, The Tower Group was the low bidder. He noted that a challenge to The Tower Group had been presented; however, since the low bid was approximately \$1.9 million higher than the estimate, the Seaport Department returned to the County Commission and requested a rejection of bids. Mr. Johnson further explained that the project was then re-advertised, at which time The Tower Group was the low bidder. Mr. Johnson noted that a determination was made that The Tower Group was non-responsive; The Tower Group did not protest. He further noted that the second lowest bidder, Perez-Gurri Corporation dba N & J Construction Corporation, was recommended. Mr. Johnson added that the third lowest bidder filed a protest which went before a hearing examiner, who agreed with the County Administration's recommendation. He pointed out that this resolution was an award recommendation to the second lowest bidder for almost \$1.9 million below the estimate.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing resolution.

Chairman Rolle asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman waive the

Committee's rules and allow the foregoing resolution to be heard at the July 17, 2008 County Commission meeting.

3G SUPP.

082167 Supplement

SUPPLEMENT TO CONTRACT AWARD
RECOMMINDATION FOR TERMINAL D PARKING
GARAGE RE-BID - PROJECT NO: 2006.019R;
CONTRACT NO. 2006.019R, TO PEREZ-GURRI
CORPORATION DBA N&J CONSTRUCTION
CORPORATION

*Forwarded to the BCC by the BCC
Chairperson with a favorable
recommendation
Mover: Heyman
Seconder: Sorenson
Vote: 4-0
Absent: Edmonson*

Report: *Assistant County Attorney Bruce Libhaber read the foregoing report into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing report.

Chairman Rolle asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman waive the Committee's rules and allow the foregoing resolution to be heard at the July 17, 2008 County Commission meeting.

3H

081989 Resolution

RESOLUTION APPROVING A PARTNER PORT
AGREEMENT BETWEEN THE DANTE B. FASCELL
PORT OF MIAMI-DADE AND THE SHANGHAI
INTERNATIONAL PORT GROUP CO., LTD;
AUTHORIZING THE MAYOR OR DESIGNEE TO
EXECUTE THE PARTNER PORT AGREEMENT ON
BEHALF OF THE COUNTY (Seaport Department)

*Forwarded to BCC with a
favorable recommendation
Mover: Sorenson
Seconder: Heyman
Vote: 4-0
Absent: Edmonson*

Report: *Assistant County Attorney Bruce Libhaber read the foregoing resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing resolution.

3I

081992 Resolution

RESOLUTION AUTHORIZING EXECUTION OF AMENDMENT NO. 1 TO THE TERMINAL OPERATING AGREEMENT BETWEEN MIAMI-DADE COUNTY AND PORT OF MIAMI TERMINAL OPERATING COMPANY, L.C.; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE THE AMENDMENT FOR AND ON BEHALF OF MIAMI-DADE COUNTY (Seaport Department)

Forwarded to the BCC by the BCC Chairperson with a favorable recommendation

Mover: Heyman

Seconder: Sorenson

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing resolution into the record.*

In response to Vice Chairwoman Jordan's inquiry as to the status of negotiations with (Port of Miami Terminal Operating Company, L.C) POMTOC, Mr. Bill Johnson, Seaport Director, noted negotiations were ongoing.

Chairman Rolle asked staff to prepare the appropriate memorandum requesting that the County Commission's Chairman waive the Committee's rules and allow the foregoing resolution to be heard at the July 17, 2008 County Commission meeting.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing resolution.

3J

082084 Resolution

RESOLUTION AUTHORIZING EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND PISTORINO & ALAM CONSULTING ENGINEERS, INC., TO PROVIDE CONSTRUCTION, ENGINEERING AND INSPECTION SERVICES FOR THE ORANGE LINE PHASE I – MIAMI INTERMODAL CENTER – EARLINGTON HEIGHTS CONNECTOR PROJECT, CONTRACT NO. NCP004-TR07-CT1, IN AN AMOUNT NOT TO EXCEED \$20,845,995.50 (Miami-Dade Transit Agency)

Forwarded to BCC with a favorable recommendation

Mover: Jordan

Seconder: Heyman

Vote: 4-0

Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing resolution.

3K

082094 Resolution

RESOLUTION AUTHORIZING THE USE OF CHARTER COUNTY TRANSIT SYSTEM SURTAX (SURTAX) AS A FUNDING SOURCE FOR THE PURCHASE OF GOODS AND SERVICES (Procurement Management Department)

Forwarded to BCC with a favorable recommendation
Mover: Sorenson
Seconder: Heyman
Vote: 4-0
Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing resolution into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing resolution.

4 CLERK OF THE BOARD

4A

081993 Report

CLERK'S SUMMARY OF MEETING MINUTES FOR THE JUNE 11, 2008 TRANSIT COMMITTEE (Clerk of the Board)

Approved
Mover: Heyman
Seconder: Sorenson
Vote: 4-0
Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing report into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing report.

4B

081994 Report

CLERK'S SUMMARY OF MEETING MINUTES FOR THE MAY 7, 2008 TRANSIT WORKSHOP COMMITTEE (Clerk of the Board)

Approved
Mover: Jordan
Seconder: Heyman
Vote: 4-0
Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing report into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing report.

5 REPORTS

5A

081995 Report

MONTHLY REPORT FROM THE FLORIDA
DEPARTMENT OF TRANSPORTATION ON THE PORT
OF MIAMI TUNNEL (County Manager)

Report Received

Report: *Assistant County Attorney Bruce Libhaber read the foregoing report into the record.*

In response to Chairman Rolle's request for an update regarding the Port of Miami Tunnel (POMT), Assistant County Manager Ysela Llort noted she saw no representative of the Florida Department of Transportation (FDOT) present at today's meeting to provide a report; however, it was her understanding that the FDOT was continuing negotiations with the concessionaire and was working with the federal government to procure a Transportation Infrastructure Finance and Innovation Act (TIFIA) loan, which would lower the cost of financing.

Chairman Rolle asked that Assistant County Manager Ysela Llort ensure that at the Committee meeting scheduled for September 10, 2008, a more up-to-date report than the one presented today was provided.

Commissioner Sorenson's inquired as to whether progress was made with the City of Miami concerning its portion of funding for the POMT and whether the County was waiting for the City's portion to be available before the County proceeded with the POMT.

Assistant County Manager Ysela Llort noted that the City of Miami had signed the Memorandum of Agreement (MOU) with FDOT and the County and had committed to its portion of funding. She added the issue concerning the City's source of funding was the City's issue.

In response to Commissioner Sorenson's inquiry regarding the City's funding issue, Ms. Llort confirmed that the statement she, Ms. Llort, had just made regarding this issue was correct.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing report.

5B

081996 Report

MONTHLY INVOICING AND DBE STATUS REPORT ON THE PROGRAM MANAGEMENT CONSULTANT (PMC) CONTRACT (County Manager)

Report Received
Mover: Sorenson
Seconder: Heyman
Vote: 4-0
Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing report into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing report.

5C

081997 Report

MONTHLY ORANGE LINE UPDATE (County Manager)

Report Received
Mover: Jordan
Seconder: Rolle
Vote: 4-0
Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing report into the record.*

Commissioner Sorenson expressed concern that the financial status regarding the Orange Line seemed worse than previously believed. She expressed interest in how much the County could expect to accomplish on this project.

In response to Commissioner Sorenson's request for a verbal update on the Orange Line, Assistant County Manager Ysela Llort noted a report had been requested on the short and long-term budget as well as financial implications of the current and future expanded transit system. This report would be ready for consideration at the July 17, 2008 County Commission meeting and would address Commissioner Sorenson's concerns, she noted.

Hearing no further questions or comments, the Committee proceeded to vote on the foregoing report.

5D

082096 Report

PET HOTELS AT THE PORT OF MIAMI (County Manager)

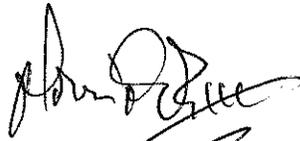
Report Received
Mover: Heyman
Seconder: Rolle
Vote: 4-0
Absent: Edmonson

Report: *Assistant County Attorney Bruce Libhaber read the foregoing report into the record.*

Hearing no questions or comments, the Committee proceeded to vote on the foregoing report.

6 ADJOURNMENT

Report: *There being no further business to come before the Committee, the meeting was adjourned at 3:15 p.m.*



Dorrin Rolle, Chairman