



Miami-Dade Board of County Commissioners
Office of the Commission Auditor

Transportation and Public Works Committee (TPWC) Meeting

April 19, 2018
9:30 A.M.
Commission Chambers

Thomas B. Davis, Esq.
Director, Policy and Legislation
Office of the Commission Auditor (OCA)
111 N.W. First Street, Suite 1030
Miami, FL 33128
(305) 375-2524

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**TPWC Meeting: April 19, 2018
Research Notes**

Item No. 1G1

File No. 180508

Researcher: MF Reviewer: TD

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING CHAPTER 31 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; ALLOWING WHEELCHAIR ACCESSIBLE TAXICABS TO BE INITIALLY PLACED INTO SERVICE IF THEY HAVE BEEN PREVIOUSLY USED AS A TAXICAB WITHIN THE COUNTY; REVISING VEHICLE AGE REQUIREMENTS FOR WHEELCHAIR ACCESSIBLE TAXICABS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should approve amending Chapter 31 of the Miami-Dade County Code (Vehicles for Hire) to adjust the vehicle age limit requirement for wheelchair-accessible taxicabs from 10 model years to 15 model years and proscribe from being placed into service wheelchair-accessible cabs previously used as a taxicab outside of Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 31-82, regulates for hire licenses.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-82FRELI

Miami-Dade County Code, Section 31-89, regulates taxicab vehicle standards.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST

PROCEDURAL HISTORY

Co-Prime Sponsor: Daniella Levine Cava, District 8

The proposed ordinance was adopted by the Board on first reading on March 20, 2018, and set for public hearing before the Transportation and Public Works Committee meeting on Thursday, April 19, 2018.

FISCAL IMPACT

According to the Fiscal Impact Statement, the implementation of this ordinance will not have a fiscal impact for Miami-Dade County as it will not result in additional staffing needs or future operational costs.

ANALYSIS

On January 10, 2018, the Miami-Dade County Taxicab Advisory Group recommended an adjustment of the vehicle age limit requirement for wheelchair-accessible taxicab vehicles from 10 model years to 15 model years. Accordingly, the following amendments (in bold letters) are therefore being recommended, effectively revising Chapter 31 of the Miami-Dade County Code:

“... any vehicle initially placed into service shall not have been previously used as a taxicab **outside of Miami Dade County** and shall not be greater than **fifteen (15)** model years of age. Any vehicle over **fifteen (15)** model years of age shall not be operated as a taxicab”.

“... any taxicab that operates as a Wheelchair Accessible Cab initially placed into service shall not have been previously used as a taxicab **outside of Miami-Dade County** or have a “rebuilt” or “salvage” title and shall be no greater than **fifteen (15)** model years of age. Any vehicle over **fifteen (15)** years of age shall not operate as a Wheelchair-Accessible Cab”.

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According to the Social Equity Statement, the extension of vehicle age takes into consideration that wheelchair-accessible taxicabs are generally \$10,000 to \$15,000 more expensive than regular taxicabs due to retrofitting necessary to meet and ADA requirements. While this will reduce expenses paid by operators, the proposed amendment may cause an increase in complaints regarding the maintenance, upkeep or aesthetics of such vehicles by tourists and/or local patrons, which may indirectly negatively impact the hospital industry.

Chapter 31

VEHICLES FOR HIRE

Article II. LICENSING AND REGULATION OF FOR-HIRE MOTOR VEHICLES

Sec. 31-82. For-hire licenses	Sec. 31-82. For-hire licenses
<p>(1) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.</p> <p>* * *</p> <p>(4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the Director to operate using accessible vehicles pursuant to Section 31-82(l)(1) or 31-82 (o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab and shall not be greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not be operated as a taxicab. Notwithstanding the vehicle age limits required by this subsection, any properly permitted and inspected accessible taxicab scheduled for retirement on December 31,2011, shall be allowed to be operated for an additional one-year period.</p>	<p>(1) In order to assure the development and maintenance of adequate wheelchair accessible taxicab service, Miami-Dade County shall strive to ensure that at least three (3) percent of the total number of for-hire taxicab licenses are operated using accessible vehicles by December 31, 2006.</p> <p>* * *</p> <p>(4) Notwithstanding any provision to the contrary, all for-hire taxicab licenses ordered by the Director to operate using accessible vehicles pursuant to Section 31-82(l)(1) or 31-82 (o)(2) shall meet the following vehicle age requirements: any vehicle initially placed into service shall not have been previously used as a taxicab >>outside of Miami-Dade County<< and shall not be greater than [[ten (10)]] >>fifteen (15)<< model years of age. Any vehicle over [[ten (10)]] >>fifteen (15)<< model years of age shall not be operated as a taxicab. Notwithstanding the vehicle age limits required by this subsection, any properly permitted and inspected accessible taxicab scheduled for retirement on December 31,2011, shall be allowed to be operated for an additional one-year period.</p>
Sec. 31-89. -Vehicle standards	Sec. 31-89. -Vehicle standards
<p>(f) Taxicab vehicle age limits and inspection schedules. Taxicab vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the RER may inspect a for-hire vehicle at any time. Any vehicle initially placed into service, shall not have been previously used as a taxicab outside Miami-Dade</p>	<p>(f) Taxicab vehicle age limits and inspection schedules. Taxicab vehicle age limits and frequency of for-hire inspections are as follows provided, however, that the RER may inspect a for-hire vehicle at any time. Any vehicle initially placed into service, shall not have been previously used as a taxicab outside Miami-Dade</p>

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County, or have a “rebuilt” or “salvage” title and shall not be greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not be operated as a taxicab. Notwithstanding the foregoing, any taxicab:

(1) That operates as a Wheelchair Accessible Cab initially placed into service shall not have been previously used as a taxicab or have a “rebuilt” or “salvage” title and shall be no greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not operate as a Wheelchair Accessible Cab;

County, or have a “rebuilt” or “salvage” title and shall not be greater than ten (10) model years of age. Any vehicle over ten (10) model years of age shall not be operated as a taxicab. Notwithstanding the foregoing, any taxicab:

(1) That operates as a Wheelchair Accessible Cab initially placed into service shall not have been previously used as a taxicab >>**outside of Miami-Dade County**<< or have a “rebuilt” or “salvage” title and shall be no greater than [[ten (10)]] >>**fifteen (15)**<< model years of age. Any vehicle over [[ten (10)]] >>**fifteen (15)**<< model years of age shall not operate as a Wheelchair Accessible Cab;

Words [[double bracketed]] shall be deleted. **Words in bold**, constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

ADDITIONAL INFORMATION

The official passenger website for the London taxi states that every licensed London taxi is wheelchair accessible and features a host of accessibility aids.

http://www.the-london-taxi.com/london_taxi_accessibility

New York Post article dated December 6, 2013, entitled “Half of NYC taxis to be wheelchair accessible by 2020”.

<https://nypost.com/2013/12/06/half-of-nyc-taxis-to-be-wheelchair-accessible-by-2020/>

An article from the Massachusetts Community Transportation Series, dated October 2013, entitled “Wheelchair-Accessible Taxicabs” concludes that in London, 100 percent of taxicabs are wheelchair-accessible. While Massachusetts is far from that level, local communities can take steps to make more wheelchair-accessible cabs available. Regulation, incentives, pilot programs, partnerships, and voucher programs can all help people with disabilities access taxis – and taxis can help individuals participate in community life.

<http://www.mass.gov/eohhs/docs/hst/accessible-taxicabs.pdf>

According to the Broward County Environmental and Consumer Protection website, the Broward County Commission has determined that 3.5 percent of total taxicab certificates shall be for wheelchair-accessible taxicabs.

<http://www.broward.org/Consumer/ConsumerProtection/VehicleForHire/Pages/default.aspx>

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Item No. 1G2
File No. 180589

Researcher: MF Reviewer: TD

ORDINANCE RELATING TO VEHICLES FOR-HIRE, AMENDING CHAPTER 31, ARTICLE III OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, REGULATING PASSENGER MOTOR CARRIERS; AMENDING VEHICLE STANDARDS; AMENDING VEHICLE AGE REQUIREMENTS FOR PASSENGER MOTOR CARRIER VEHICLES PROVIDING JITNEY SERVICE AND TRANSIT VEHICLES ON A FIXED ROUTE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Chapter 31, Article III of the Code of Miami-Dade County to modify vehicle standards, and vehicle age requirements for passenger motor carrier vehicles providing Jitney service and transit vehicles on a fixed route.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Chapter 31, Article III, Section 31-105, governs the chauffeur's registration for passenger motor carriers.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch31_artiii_sec31-105

Miami-Dade County Code, Chapter 31, Article III, Section 31-107, provides the vehicle age limits and inspection schedules for passenger motor carriers.

http://miamidade.fl.elaws.us/code/coor_ptiii_ch31_artiii_sec31-107

PROCEDURAL HISTORY

Prime Sponsor: Bruno A. Barreiro, District 5

The proposed ordinance was adopted by the Board on first reading on March 20, 2018, and set for public hearing before the Transportation and Public Works Committee meeting on Thursday, April 19, 2018.

FISCAL IMPACT

According to the Fiscal Impact Statement, the implementation of the proposed ordinance will not have a fiscal impact for Miami-Dade County as it will not result in additional staffing needs or future operational costs.

ANALYSIS

The proposed ordinance seeks to amend Chapter 31, Article III of the Code of Miami-Dade County to modify vehicle standards, and vehicle age requirements for passenger motor carrier vehicles providing Jitney service and transit vehicles on a fixed route, as follows:

Any person wishing to drive a passenger motor carrier vehicle over any street in Miami-Dade County must first obtain a chauffeur's registration from the Department of Transportation and Public Works. A chauffeur registered pursuant to Chapter 31, Article III of the Code, providing jitney service, shall not be required to take specified courses or oral or written examinations otherwise required by Chapter 31, Article V of the Code.

Passenger motor carrier vehicles providing jitney service or fixed route service shall meet the following vehicle age requirements: any vehicle initially placed into service shall be no greater than 15 model years of age. Any vehicle over 15 model years of age shall not operate as a passenger motor carrier vehicle for jitney service or as a passenger motor carrier for fixed route service.

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Chapter 31

VEHICLES FOR HIRE

Article III. PASSENGER MOTOR CARRIERS

Sec. 31-105 – Chauffeur’s Registration	Sec. 31-105 – Chauffeur’s Registration
<p>It shall be unlawful for any person to drive a passenger motor carrier vehicle over any street in Miami-Dade County without first having obtained a chauffeur’s registration from the CSD pursuant to Chapter 31, Article V of the Code.</p>	<p>It shall be unlawful for any person to drive a passenger motor carrier vehicle over any street in Miami-Dade County without first having obtained a chauffeur’s registration from the [[CSD]] >>DTPW<< pursuant to Chapter 31, Article V of the Code. >>Notwithstanding any provision to the contrary, a chauffeur registered pursuant to this article providing jitney service shall not be required to take specified courses or oral or written examinations otherwise required by Chapter 31, Article V of the Code.<<</p>
Sec. 31-107 – Vehicle Standards	Sec. 31-107 – Vehicle Standards
<p>***</p> <p>(b) Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle inspections are as stated in this subsection; provided, however, that the DTPW may inspect a for-hire vehicle at any time. All motor vehicles currently in service as of the effective date of this ordinance shall be permitted to remain in service until the motor vehicle reaches its fifteenth model year. Said motor vehicles must continue to pass inspection and meet all applicable vehicle standards. Any vehicle initially placed into service following the effective date of this ordinance shall be no greater than 10 model years of age. No passenger motor carrier vehicle shall have a “rebuilt” or “salvage” title and shall be no greater than 10 model years of age. Any vehicle over 10 model years of age shall not be operated as a passenger motor carrier vehicle. Passenger motor carrier vehicles shall be inspected annually.</p> <p>***</p>	<p>***</p> <p>(b) Vehicle age limits and inspection schedules. Vehicle age limits and frequency of for-hire vehicle inspections are as stated in this subsection; provided, however, that the DTPW may inspect a for-hire vehicle at any time. All motor vehicles currently in service as of the effective date of this ordinance shall be permitted to remain in service until the motor vehicle reaches its fifteenth model year. Said motor vehicles must continue to pass inspection and meet all applicable vehicle standards. Any vehicle initially placed into service following the effective date of this ordinance shall be no greater than 10 model years of age. [[No passenger motor carrier vehicle shall have a “rebuilt” or “salvage” title and shall be no greater than 10 model years of age.]] Any vehicle over 10 model years of age shall not be operated as a passenger motor carrier vehicle. >>Notwithstanding the foregoing, passenger motor carrier vehicles providing jitney service or fixed route service shall meet the following vehicle age requirements: any vehicle initially placed into service shall be no greater than 15 model years of age. Any vehicle over 15 model years of age shall not operate as a passenger motor carrier vehicle for jitney service or as a passenger motor carrier for fixed route service.<< Passenger motor carrier vehicles shall be inspected annually.</p> <p>***</p>

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Words [[double bracketed]] shall be deleted. **Words in bold** and >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

ADDITIONAL INFORMATION

A Jitney is a bus or other vehicle carrying passengers for a low fare. For more information on riding a Jitney in Miami-Dade County, read the article posted on March 16, 2017, entitled “Watch and learn: How to ride Miami’s jitney”.

<https://thenewtropic.com/jitney/>

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Research Notes

Item No. 1G3
File No. 180267

Researcher: MF Reviewer: TD

ORDINANCE RELATING TO THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST, THE PEOPLE'S TRANSPORTATION PLAN AND CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS; AMENDING SECTION 29-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SYSTEM SURTAX FUNDS FOR ON-DEMAND TRANSPORTATION SERVICES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should authorize the use of Charter County Transportation System Surtax Funds for on-demand transportation services.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Sections 29-121 through 29-124, provide as follows:

Sec. 29-121 – Sales surtax levied: There is hereby levied and imposed a one half of one percent discretionary sales surtax authorized by Section 212.055(1), Florida Statutes (2001) on all transactions occurring in Miami-Dade County, which transactions are subject to the state tax imposed on sales, use, rentals, admission and other transactions by Chapter 212, Florida Statutes (2001).

Sec. 29-122 – Surtax rate, limitations: The surtax rate shall be one-half of one percent on the amount of taxable sales and taxable purchases representing such transactions. The limitations, conditions and provisions contained in Section 212.054, Florida Statutes (2001) as the same may be amended and supplemented from time to time are hereby incorporated herein.

Sec. 29-122.1 – Exemption from Sales Surtax: All exemptions applicable to the discretionary sales surtax contained in Chapter 212, Florida Statutes, are hereby incorporated herein at the same may be amended and supplemented from time to time ...

Sec. 29-123 – Administration, collection and enforcement: The Florida Department of Revenue shall administer, collect and enforce the surtax levied hereunder pursuant to the procedures specified in Sec. 212.054(4) Florida Statutes (2001) as the same may be amended or renumbered from time to time.

Sec. 29-124 – Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust: The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects ... set forth in Exhibit 1 to this article ... and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in subsection (d) in this Sections. Expenditure of surtax proceeds shall be subject to the following limitations:

- (a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons who are over the age of 65 or are drawing Social Security benefits, and to provide fare-free public transportation service on Metromover.
- (b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055 (1) (d) 1-4 of the Florida Statutes.
- (c) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs.
- (d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five-Year Implementation Plan.

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- (e) The Five-Year Implementation Plan and any proposed deletion, material change or addition of a County project shall be initially reviewed by the Citizens' Independent Transportation Trust, which shall forward a recommendation thereon to the County Commission.
- (f) No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award.

<http://www.miamidade.gov/citt/library/municipal-program/county-ntp-ordinance-02-116.pdf>

Florida Statutes, Section 212.054 governs discretionary sales surtax; limitations, administration and collection.

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.054.html

Florida Statutes, Section 212.055 (1) (d) governs discretionary sales surtaxes; legislative intent; authorization and use of proceeds. Sub-section (1)(d) provides that "Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the County Commission deems appropriate:

- 1) Deposited by the County in the Trust Fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, on-demand transportation services, and related costs of a fixed guideway rapid transit system;
- 2) Remitted by the governing body of the County as an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the County ...;
- 3) Used by the County for the development, construction, operation, and maintenance of roads and bridges in the County; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion, operation, and maintenance of on-demand transportation services ...;
- 4) Used by the County for the planning, development, construction, operation, and maintenance of roads and bridges in the County ..."

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html

Ordinance No. 02-116, adopted on July 9, 2002, imposes a one half of one percent Charter County Transit System Surtax authorized by Section 212.055(1), Florida Statutes on all transactions occurring in Miami-Dade County otherwise subject to the State tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes; providing exceptions' providing limitations and procedures for administration and collection; providing for use of Surtax proceeds; granting Citizens' Independent Transportation Trust certain powers over the use and expenditure of Surtax proceeds.

<http://intra/gia/matter.asp?matter=022196&file=false&yearFolder=Y2002>

PROCEDURAL HISTORY

Prime Sponsor: Esteban L. Bovo, District 13

The proposed ordinance was adopted on first reading and set for public hearing before the Transportation and Public Works Committee meeting on April 19, 2018.

FISCAL IMPACT

According to the Fiscal Impact Statement, it is anticipated that the implementation of the proposed ordinance will not have a fiscal impact on Miami-Dade County.

ANALYSIS

Section 212.055 of the Florida Statutes provides that proceeds from the transportation sales surtax shall be applied to as many or as few of the uses enumerated in the statutes. One of the enumerated uses is for the development, maintenance and operation

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of on-demand services. The Florida Statutes define on-demand transportation services as transportation provided between flexible points of origin and destination selected by individual users with such service being provided at a time that is agreed upon by the user and the provider of the service and that is not fixed-schedule or fixed-route in nature. It is believed that if the Board approves this proposed ordinance to coordinate on-demand transportation services with existing transit services, solutions and mobility will be augmented.

Section 1. Section 29-124 of the code of Miami-Dade County would be amended to read as follows (~~words with strikethroughs will be deleted.~~ >>Underlined and double arrowed language<< indicates the amendment proposed. Remaining provisions are now in effect and remain unchanged):

Sec. 29-124. - Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.

The surtax proceeds collected by the State and distributed hereunder shall be deposited in a special fund set aside from other County funds in the custody of the Finance Director of the County. Moneys in the special fund shall be expended for the transportation and transit projects (including operation and maintenance thereof) set forth in Exhibit 1 to this article (including those projects referenced in the ballot question presented to the electors to approve this levy) and the adopted Five Year Implementation Plan, subject to any amendments thereto made in accordance with the MPO process or made in accordance with the procedures specified in subsection (d) of this section.

Expenditure of surtax proceeds for contracts procured by or on behalf of Miami-Dade Transit or for transit-related procurements shall be subject to the following limitations:

(a) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons (regardless of income level who are over the age of 65 or are drawing Social Security benefits) and to provide fare-free public transportation service on Metromover, including extensions.

(b) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055(1)(d)1—4>>,<< Fla. Stats. (2010). >>The use of surtax proceeds for on-demand services as defined in section 212.055(1)(e), Florida Statutes, shall be limited to on-demand services where the origination or destination of the trip is a South Dade Transitway bus shelter or a Metrorail station and the trip is no greater than 5 miles in distance.<<

* * *

(h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:

(i) That continue to provide the same level of general fund support for transportation that is in their FY 2001-2002 budget in subsequent Fiscal Years. Any surtax proceeds received shall be applied to supplement, not replace a city's general fund support for transportation;

(ii) That apply 20 percent of any surtax proceeds received to transit uses in the nature of circulator buses, bus shelters, bus pullout bays, on-demand transportation services as defined in Section 212.055(1)(e), Florida Statutes>>, as may be amended from time to time<< (~~2010~~), or other transit-related infrastructure. The use of surtax proceeds for on-demand transportation services shall be limited to providing transportation >>services where the trip is no greater than 5 miles in distance and (1) where the origination or destination of the trip is solely within city boundaries; (2) where the origination of a trip is within city boundaries and the destination is the nearest Metrorail station or South Dade Transitway bus shelter; or (3) where the origination of a trip is the Metrorail station or South Dade Transitway bus shelter closest to the city boundary of the city where the intended destination of the trip is located.<< ~~to Miami-Dade County residents whose household income do not~~

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~~exceed the standard threshold applied to determine eligibility for the low income, senior citizen's additional homestead exemption outlined in Section 196.075, Florida Statutes (2010), as amended from time to time and meet at least one of the following two criteria: (1) are aged 65 years or older or (2) have a disability, as defined in the Americans with Disabilities Act of 1990 (ADA). Notwithstanding any provision to the contrary, on-demand transportation services as defined in Section 212.055(1)(e), Florida Statutes (2010), and used herein, shall require 24-hour pre-arranged service by recipients. No City may utilize surtax proceeds to provide on-demand transportation services, as defined herein, for individuals receiving County-sponsored Special Transportation Services. Any city that cannot apply the 20 percent portion of surtax proceeds it receives as provided in this paragraph, may contract with the County for the County to apply such proceeds on a County project that enhances traffic mobility within that city and immediately adjacent areas. If the city cannot expend such proceeds in accordance with this paragraph and does not contract with the County as described in this paragraph, then such proceeds shall carry over and be added to the overall portion of surtax proceeds to be distributed to the cities in the ensuing year and shall be utilized solely for the transit uses enumerated in this subsection (ii);~~

* * *

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

Section 5. This ordinance may only be amended or repealed by a two-thirds vote of the Board of County Commissioners. Any amendment or repeal of this ordinance shall further require a minimum of six weeks between first and second reading.

According to the Social Equity Statement, the proposed ordinance will provide a social equity benefit by affording additional flexibility to enable municipalities to serve more residents, including seniors, children, people with special needs and the transit-dependent, thereby enhancing their access to public transportation.

ADDITIONAL INFORMATION

The People's Transportation Plan (PTP), the half-penny transportation surtax overwhelmingly approved by Miami-Dade County voters in November 2002, included \$476 million for public works projects. The PTP funds to be provided to the Transportation and Public Works Department were for major highway and road improvements totaling \$309 million, and for neighborhood improvements totaling \$167 million.

<http://www.miamidade.gov/publicworks/peoples-transportation.asp>

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**Item No. 1G4
File No. 180591**

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING TERMS OF AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND FILE A GRANT APPLICATION WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION FEDERAL TRANSIT ADMINISTRATION IN THE AMOUNT OF \$1,000,000.00 FISCAL YEAR 2018 SECTION 5307 GRANT PROGRAM FLEXIBLE FUNDING FOR THE METRORAIL AND METRO MOVER GUIDEWAY BRIDGE INSPECTIONS; AUTHORIZING RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATION AND AGREEMENT AND OF ANY ADDITIONAL FUNDS AS SPECIFIED IN THE AGREEMENT SHOULD SUCH FUNDS BECOME AVAILABLE

ISSUE/REQUESTED ACTION

Whether the Board should authorize the execution and filing of a grant application with the United States Department of Transportation Federal Transit Administration (FTA) in the amount of \$1,000,000 for FY 2018 Section 5307 Grant program flexible funding for the Metrorail and Metromover Guideway Bridge Inspections project.

APPLICABLE LEGISLATION/POLICY

Section 335.074, Florida Statutes requires public transportation facilities to perform safety inspection of bridges for structural soundness and safety.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0335/Sections/0335.074.html

Resolution No. R-603-17, adopted on June 6, 2017, authorizes the execution and filing of a grant application with the United States Department of Transportation Federal Transit Administration in the amount of \$1,000,000 for FY 2017 Section 5307 Grant program flexible funding for the Metrorail and Metromover Guideway Bridge Inspections project. The grant funding was ultimately awarded for FY 2017.

<http://www.miamidade.gov/govaction/matter.asp?matter=170531&file=true&fileAnalysis=false&yearFolder=Y2017>

49 U.S.C. 5307 governs the Urbanized Area Formula Funding program, which makes federal resources available to urbanized areas and to governors for transit capital and operating assistance in urbanized areas and for transportation-related planning. An urbanized area is an incorporated area with a population of 50,000 or more that is designated as such by the U.S. Department of Commerce, Bureau of the Census.

<https://www.gpo.gov/fdsys/pkg/USCODE-2011-title49/pdf/USCODE-2011-title49-subtitleIII-chap53-sec5307.pdf>

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation & Public Works

The public hearing required by federal regulations will be conducted at the April 19, 2018 Transportation and Public Works Committee meeting.

FISCAL IMPACT

The proposed Resolution translates into a positive fiscal impact to the County since it calls for federal grant funding to the Department of Transportation and Public Works (DTPW). The required local match of \$250,000 will be provided in full by the Florida Department of Transportation (FDOT) through the use of State Transportation Development Credits.

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Toll or transportation development credits are a federal transportation funding tool used to meet federal funding matching requirements. State credits are accrued when capital investments are made in federally approved tolled facilities including toll roads and bridges.

Federal law—Fixing America’s Surface Transportation Act (FAST Act), signed into law on December 4, 2015— authorizes state transportation departments to make available to public transit agencies the use of transportation development credits on selected federally assisted public transit capital projects. By using the credits to substitute the required non-federal share on a new federal-aid project, the federal share can effectively be increased to 100 percent.

ANALYSIS

The proposed Resolution authorizing the execution and filing of a grant application for \$1 million in federal grant funding for the inspections of structural elements of the Metrorail and Metromover guideways is in furtherance of the Guideway Bridge Inspection Program, established in 1986 with the purpose of performing preventive inspections on the now 25 miles of Metrorail and 4.4 miles of Metromover elevated guideway superstructures.

The Surface Transportation Block Grant Program (STBG) promotes flexibility in State and local transportation decisions and provides flexible funding to best address state and local transportation needs.. Under this program, recipients are permitted to transfer funds to FTA for public transportation projects that are eligible for funding under the Federal Highway Administration program and 49 U.S.C. 5307 (Section 5307). A flexible fund transfer request has already been made by the County so that FTA may administer these funds in a Section 5307 grant for the proper purpose of inspections of structural elements of the Metrorail and Metromover guideways.

Miami-Dade County received \$1 million in funding for this purpose through the same mechanism in FY 2017.

ADDITIONAL INFORMATION

Fixing America’s Surface Transportation Act (FAST Act) Program:
<https://www.fhwa.dot.gov/fastact/factsheets/surftransfundaltfs.cfm>

Surface Transportation Block Grant (STBG) Program:
<https://www.fhwa.dot.gov/fastact/factsheets/stbgfs.cfm>

TPWC Meeting: April 19, 2018
Research Notes

Item No. 2E

File No. 180943

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING (1) A FIFTH AMENDMENT TO THE TRANSIT ORIENTED DEVELOPMENT LEASE AGREEMENT WITH CARIBBEAN VILLAGE, LTD, WHICH IS AN ENTITY AFFILIATED WITH PINNACLE HOUSING GROUP, FOR PROVISION OF AN AFFORDABLE HOUSING DEVELOPMENT AT SW 110 COURT AND SW 200 DRIVE, ON THE NORTH SIDE OF SW 200 STREET (CARIBBEAN BOULEVARD) IN COUNTY COMMISSION DISTRICT 9 RELATING TO MINIMUM RENT TO BE PAID BY THE DEVELOPER, THE REQUIRED NUMBER OF RESOLUTION UNITS, EXTREMELY LOW INCOME HOUSEHOLDS, AND OTHER CLARIFYING CHANGES, (2) AN ACCOMPANYING DECLARATION OF EASEMENTS AND LICENSES, AND (3) A GROUND LEASE JOINDER AS REQUIRED BY A LENDER FOR THE PROJECT; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AMENDMENT, AGREEMENT, AND JOINDER AND ALL OTHER DOCUMENTS, CERTIFICATES, AND ASSURANCES NECESSARY TO COMPLETE PHASE I OF THE PROJECT

ISSUE/REQUESTED ACTION

Whether the Board should approve 1) a fifth amendment to the Transit Oriented Development Lease Agreement with Caribbean Village, Ltd. related to minimum rent to be paid by the developer, the required number of resolution units, extremely low income households, among other clarifying changes 2) an accompanying declaration of easements and licenses, and 3) a ground lease joinder as required by a lender for the project.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-343-13 authorizes a Transit Oriented Development Lease Agreement with Caribbean Village, Ltd. for the development of affordable housing on two County-owned properties.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2013/R-343-13.pdf>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Dennis C. Moss, District 9

Department/Requester: None

The proposed resolution has no procedural history.

FISCAL IMPACT

In addition to the lease of County-owned properties to the Developer, \$5,000,000 from the Building Better Communities General Obligation Bond has been allocated as a portion of the total development costs of the project.

The developer has requested an amendment to the Lease to reduce the minimum rent payment to be made to the County from a total of \$429,762 to \$195,000 for phase one of the project. The reduction of rent for Phase I is to have no effect on the rent amount for Phase II. Phase I of the project is fully funded, pending financial loan closings, while funding has not yet been obtained for Phase II of the project. In the event the developer is unable to secure financing for or complete construction of Phase II, the Phase II site will be deleted from the property and no longer leased to the developer.

ANALYSIS

The lease is a ground lease for the development of Caribbean Village—affordable housing and parking spaces for Miami-Dade Transit on County-owned properties located at SW 110 Court and SW 200 Drive, on the north side of SW 200 Street (Caribbean Boulevard) adjacent to the County Busway in Commission District 9.

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The approved site plan for Phase I consists of a single seven-story residential building, with surface parking and a transit “Park and Ride” facility located onsite. This is the first phase of a two-phase development to redevelop land owned by Miami-Dade County Transit in furtherance of the goal of achieving proximity of affordable housing to the County’s transit systems.

Below is the rendering and map image demonstrating location:



The following are amendments proposed to the lease:

- reduction in the minimum rent payment to the County from a total of \$429,762 to \$195,000 for Phase I
- an increase in the minimum number of resolution units in phase I of the project from 70 to 75
- a reduction in the percentage of units to be leased to extremely low income households from 20 percent of the total units to five percent of the total units in each phase
- authorization for the project to be developed in substantial accordance with the site plan for the property approved through the County administrative site plan review process, stamped July 28, 2017 and approved by letter dated August 9, 2017

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- the site plan approved by the administrative departments for Phase I of the Project authorizes the construction of
 - 123-unit, seven story housing structure for elderly residents towards the center of the Property,
 - a 100-space, surface parking lot for Miami-Dade Transit patrons toward the eastern portion of the Property, and
 - the remaining surface parking for the elderly residents of Phase I
- the site plan approved by the administrative departments for Phase II of the project authorizes the construction of a
 - four story parking garage with roof top parking containing 389 parking spaces that will be built on the portion of the Property on which the surface parking for MDT patrons was previously located, providing that during construction of the garage the MDT patrons will be relocated to another location at the expense of the developer of Phase II; and
 - a 126-unit, affordable housing structure (for families)

If the developer is unable to secure financing or complete construction of Phase II and this site is deleted from the property leased to the developer, the developer has requested to have certain easements on or access to the Phase II site to assure that the developer and the elderly residents housed in Phase I will have necessary access to the Phase II site so that parking will be available to them.

Also under consideration in the proposed resolution is the authorization of a ground lease joinder. The construction lender has requested that Miami-Dade County also execute a joinder which sets forth certain rights of the lender regarding the Phase I property, including the right to an additional 30-day notice of any developer default.

ADDITIONAL INFORMATION

Developer website:

<https://www.pinnaclehousing.com/communities/florida/miami-dade/caribbean-village/caribbean-village.html>

TPWC Meeting: April 19, 2018
Research Notes

Item No. 3A

File No. 180567

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO ACCEPT A COUNTEROFFER FROM FLORIDA POWER & LIGHT (FPL) FOR THE ACQUISITION OF PARCEL 133 FOR RIGHT-OF-WAY NEEDED FOR IMPROVEMENTS TO SW 137 AVENUE FROM US-1 (SR 5) TO SW 200 STREET; GRANTING FPL A UTILITY EASEMENT OVER THE PROPERTY ACQUIRED BY THE COUNTY AT NO COST FOR MAINTENANCE OF EXISTING POWER LINES AND OTHER INFRASTRUCTURE SUBJECT TO FPL'S SUBORDINATION OF SUCH EASEMENT TO THE COUNTY; AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO PERFORM ALL ACTS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should authorize the County Mayor to accept a counteroffer from Florida Power & Light (FPL) for the acquisition of Parcel 133 for right-of-way needed due to improvements to S.W. 137th Avenue from US-1 (SR5) to S.W. 200 Street, granting FPL a utility easement over the property acquired by the County, at no cost, for maintenance of existing power lines and other infrastructure subject to FPL's subordination of such easement to the County.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-1006-16, adopted by the Board on November 1, 2016, declared the acquisition of the designated property known as Parcel 133 for improvements to S.W. 137th Avenue, from US-1 (SR 5) to SW 200 Street, to be a public necessity; and authorized the County Mayor or the County Mayor's designee to take any and all appropriate actions to accomplish the acquisition of the subject property in fee simple ... at values established by appraisals or tax assessed values ... and authorized the County Mayor or the County Mayor's designee to make an additional incentive offer to purchase Parcel 133 prior to the filing of an eminent domain action in a total amount not to exceed 15 percent over the appraised value, together with reasonable attorney fees and costs pursuant to Sections 73.091 and 73.092 of the Florida Statutes, or by eminent domain court proceeding.
<http://intra/gia/matter.asp?matter=162110&file=true&yearFolder=Y2016>

Miami-Dade County Code, Section 2-8.6.5, entitled "Purchase, sale, lease of real property," provides that "Prior to the County's entering into any contract, agreement or lease relating to the purchase, sale or leasing of real property by, to or from the County, all individuals, corporations, partnerships, joint ventures or other legal entities having any interest of any kind in the property to be purchased, sold or leased, shall file with the County a document identifying the extent of its ownership interest in the subject real property".
http://miamidade.fl.elaws.us/code/coordptiii_ch2_arti_sec2-8.6.5

Resolution No. R-974-09, adopted by the Board on July 21, 2009, directed that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County and attached by the Clerk of the Board to the authorizing resolution.
<http://intra/gia/matter.asp?matter=091900&file=true&yearFolder=Y2009>

PROCEDURAL HISTORY

Prime Sponsor: Daniella Levine Cava, District 8

Department/Requester: Transportation and Public Works

This item has no procedural history.

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FISCAL IMPACT

According to the Fiscal Impact Statement, funding for the right-of-way acquisition, design and construction of this Project is provided by the Charter County Transportation Surtax Bond Fund proceeds, and may be supplemented by other eligible funding sources.

Funding for this acquisition was already authorized by Resolution No. R-1006-16. Funding is programmed within the adopted Fiscal Year 2017-18 Right-of-Way Acquisition Projects Countywide (P2000000537) Site 76078 in Commission District 8. This project was specifically listed in the People's Transportation Plan (PTP) as one of the Board-requested improvement projects for Commission District 8. The negotiated purchase price is \$115,000.

ANALYSIS

The Department of Transportation and Public Works (DTPW) intends to implement a project entitled "Improvements to S.W. 137 Avenue, from US-1 to S.W. 200 Street". The project originally required the acquisition of 46 separate parcels. However, in an effort to minimize costs while maintaining the integrity of the project, it was value engineered and redesigned. The proposed project consists of roadway expansion, beautification, and improvements for a new tow-lane road with sidewalks, curb and gutter, a continuous storm drainage system, signalization, pavement markings and signage, a center turn lane, street lighting, bicycle facilities, a bridge crossing over one canal, and a culvert for a canal.

The project is currently in the final stages of right of way acquisition. Construction is expected to commence in January 2019 for completion two years later. To date 20 parcels have been acquired, with the remaining 4 parcels expected to close by the end of May. This project will improve connectivity and mobility for area residents, as well as provide another evacuation route for the area. This project is approximately 3.2 miles long, of which only about half of one mile is currently paved. Once completed, SW 137 Avenue will be completely paved from the HEFT to SR836.

Resolution No. R-1006-16 declared the acquisition of the designated property known as Parcel 133 for improvements to S.W. 137th Avenue, from US-1 (SR 5) to SW 200 Street, a public necessity, authorizing the County Mayor or the County Mayor's designee to take any and all appropriate actions to accomplish the acquisition of the subject property in fee simple from Florida Power and Light. However, the property is located underneath FPL's power transmission lines and the company informed the County that it still needs the property for the maintenance of existing power lines and other related infrastructure.

FPL has agreed to sell the property to the County at the appraised value, but it is also requesting the County grant a utility easement at no additional cost in order to continue its existing use as part of its transmission corridor. As the easement will not be inconsistent with the County's proposed use of Parcel 133 to build and expand S.W. 137th Ave, FPL will simultaneously provide the County with a subordination of such utility easement for the County's purposes, including construction and maintenance of the S.W. 137th Avenue project.

ADDITIONAL INFORMATION

The People's Transportation Plan (PTP), the half-penny transportation surtax approved by Miami-Dade County voters in November 2002, included \$476 million for public works projects. The PTP funds provided to the Transportation and Public Works Department were for major highway and road improvements totaling \$309 million, and for neighborhood improvements totaling \$167 million.

<http://www.miamidade.gov/publicworks/peoples-transportation.asp>

DEPARTMENT INPUT:

The Office of the Commission Auditor posed the following questions to the Department of Transportation and Public Works, and received the following answers:

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- **What is the status of the project for improvements to SW 137th Ave, from US-1 to SW 200 Street; and what is the timeline for project completion?** The project is currently in the final stages of right of way acquisition. Construction is expected to commence in January 2019 and be completed two years thereafter.
- **How many parcels have been acquired to facilitate the road improvements?** To date 20 parcels have been acquired, with the remaining 4 parcels expected to close by the end of May.
- **What impact will the construction have on traffic mobility and on residents of the area?** This project will improve connectivity and mobility for area residents, as well as provide another evacuation route for the area. This project is approximately 3.2 miles long, of which only about half of one mile is currently paved. Once completed, SW 137 Avenue will be completely paved from the HEFT to SR836.

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Research Notes**

**Item No. 3B
File No. 180614**

Researcher: SM Reviewer: TD

RESOLUTION DESIGNATING A PORTION OF MIAMI-DADE COUNTY-OWNED PROPERTY KNOWN AS MODELLO WAYSIDE PARK, AS ROAD RIGHT-OF-WAY FOR SW 288 STREET, IN SECTION 5, TOWNSHIP 57 SOUTH RANGE 39 EAST AND DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE THE SAME

ISSUE/REQUESTED ACTION

Whether the Board should approve this resolution designating a portion of Miami-Dade County owned property known as Modello Wayside Park, as road right-of-way for SW 288 Street, in Section 5, Township 57 South Range 39 East.

APPLICABLE LEGISLATION/POLICY

Section 33-163.9 of the Code of Miami-Dade County governs the street right-of-way width and improvements.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXIAVIDEDI_S33-163.9STRI-WWIIM](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH33ZO_ARTXIAVIDEDI_S33-163.9STRI-WWIIM)

Section 18B-2 of the Code of Miami-Dade County governs them minimum landscape standards that applies to all right-of-ways both in the incorporated and unincorporated areas.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH18BMIDECORI-WLAOR](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH18BMIDECORI-WLAOR)

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Daniella Levine Cava, District 8

Department/Requester: Transportation and Public Works

This item has no procedural history.

FISCAL IMPACT

The fiscal impact to the county as it relates to this item will be \$88.29 per annum for the maintenance costs which will be charged to the Department of Transportation and Public Works (DTPW) general fund allocation, as stated by the mayoral memo.

ANALYSIS

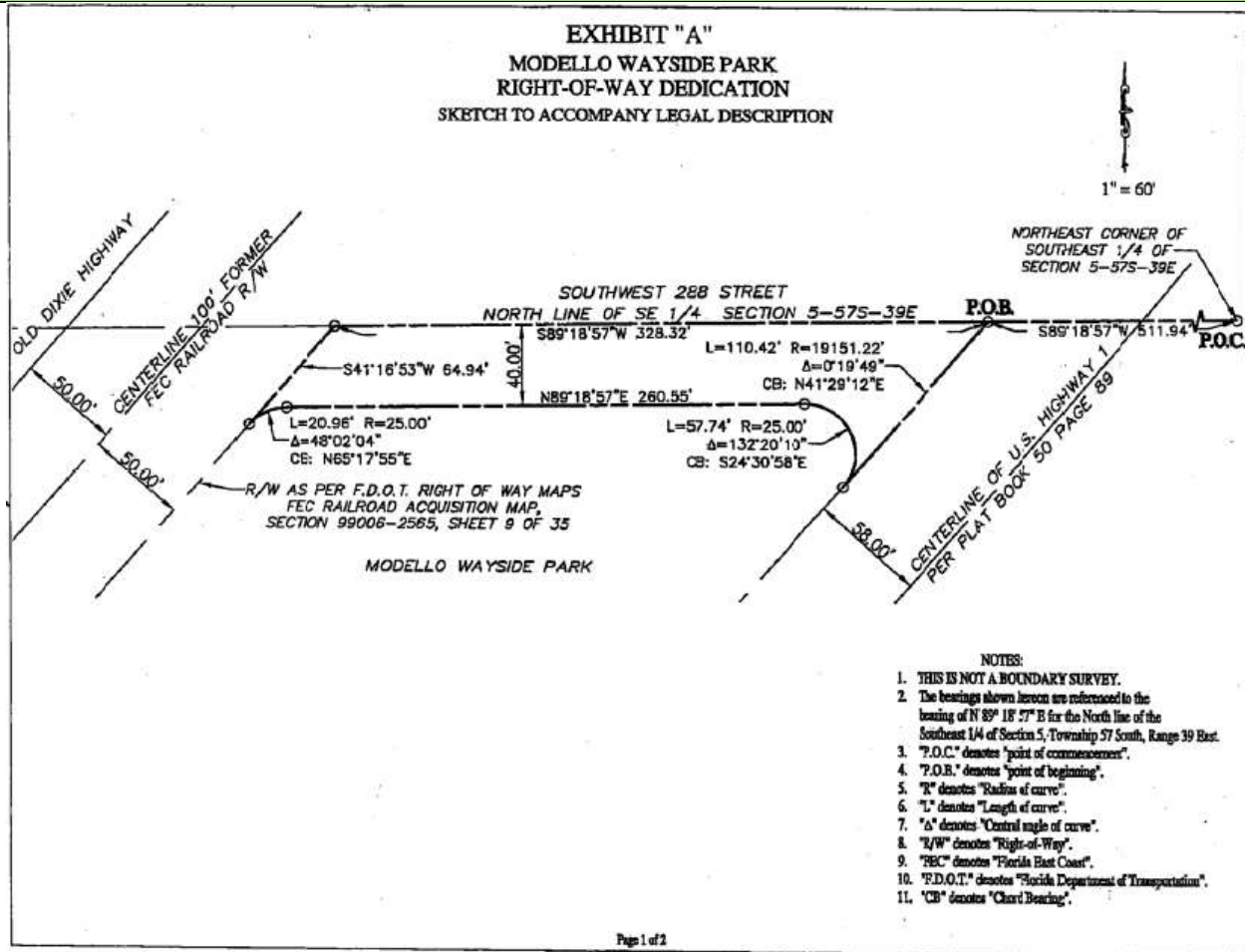
This item seeks to designate a portion of County-owned property known as Modello Wayside Park, as road right-of-way for SW 288 Street, in Section 5, Township 57 South Range 39 East.

The mayoral memo states that the request is made to ensure compliance with zoning requirements as it relates to the improvement of Modello Wayside Park. The portion of the property which lies within the zoned right-of-way of SW 288 Street is what Parks, Recreation and Open Spaces (PROS) has requested to be designated as a road right-of way. This project will have a Countywide impact, and is located within Commissioner Daniella Levine Cava's District 8.

A right-of-way is a type of easement granted or reserved over the land for transportation purposes, this can be for a highway, public footpath, rail transport, canal, as well as electrical transmission lines, oil and gas pipelines.

The area contains a total of 13,839 square feet or .32 acres of land more or less. Below is the Modello Wayside Park right-of-way dedication:

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ADDITIONAL INFORMATION

On PROS website it states that the hours of operation for Modello Wayside Park is Sunrise to Sunset. The photo below is a google image:



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Research Notes

Item No. 3C
File No. 180537

Researcher: SM Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN INTERLOCAL AGREEMENT TO PERFORM TRAFFIC ENGINEERING FUNCTIONS BETWEEN THE CITY OF DORAL AND MIAMI-DADE COUNTY, TO EXERCISE ALL RIGHTS SET FORTH THEREIN, AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME

ISSUE/REQUESTED ACTION

Whether the Board should approve this resolution authorizing the County Mayor or County Mayor's Designee to execute an interlocal agreement to perform traffic engineering functions between the City of Doral and Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Resolution R-974-09 adopted July 21, 2009 directs that any resolution authorizing the execution of instruments creating a County interest in real property shall require such instruments be recorded in the public records of Miami-Dade County.

<http://www.miamidade.gov/govaction/legistarfiles/Matters/Y2009/091900.pdf>

Section 2-8.3 of the County Code requires the County Mayor to review responses to solicitations and to recommend the appropriate action to the County Commission. The recommendation shall be in writing, filed with the Clerk of the Board, and mailed to all participants no later than 10 days prior to any Commission meeting in which such recommendation is scheduled to be presented. The Board may waive the requirements of this section by a 2/3 vote of the County Commission.

https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE

Resolution No. 10-26 adopted February 10, 2010 is a resolution of the Mayor and the City Council of the City of Doral, Florida authorizing the City Manager to negotiate and enter into an intergovernmental agency agreement to perform traffic engineering functions with Miami-Dade County for the provision of implementing the section 7 traffic calming plan.

<https://www.cityofdoral.com/government/city-clerk/resolutions/?view=5e848b8b-6dae-e511-814c-1458d04e7900&page=9>

PROCEDURAL HISTORY

Prime Sponsor: Commissioner Jose "Pepe" Diaz, District 12

Department/Requester: Transportation and Public Works

This item has no procedural history.

FISCAL IMPACT

This item has no fiscal impact to Miami-Dade County. The City of Doral will be responsible for all installation and recurring operations and maintenance cost.

ANALYSIS

If this item receives Board approval, the execution of an interlocal agreement for traffic engineering functions between the City of Doral and Miami-Dade County will be authorized. This agreement includes the installation and maintenance of pavement markings, and traffic calming devices. This item will allow the City of Doral to conduct engineering studies for the feasibility of traffic calming devices, and approved traffic calming devices and markings.

The agreement states that the City of Doral has represented to Miami-Dade County that they are capable, equipped, and qualified to perform the duties and functions requested.

The agreement further states that the County will install, operate, and maintain approved Intelligent Transportation System Devices such as traffic monitoring cameras, Bluetooth/WIFI traffic information systems, traffic data collection systems, etc.,

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that may be provided by the City of Doral for use within City boundaries. Furthermore the City of Doral and the County shall share all intersection vehicle counts and traffic data that may be collected through any efforts including those not directly associated with the agreements.

The intergovernmental agency agreement to perform traffic engineering functions states that the City of Doral will assume sole and complete responsibility for maintenance of all such Traffic Calming Devices in addition to assuming sole and complete liability for any and all accidents, damages, claims, and/or injuries which may or are alleged to occur or arise out of the installation, operation or maintenance of said traffic calming devices, and indemnifies and saves the County from any and all claims and damages that could come from such installation, operation or maintenance of the traffic calming devices. The City of Doral must hire a County licensed contractor or perform the work in-house by the City Public Works crew.

The devices installed by the City of Doral must conform to the requirements established by the following publications:

- Florida Department of Transportation's Standard Specifications for Road and Bridge Construction.
- Manual on Uniform Traffic Control Devices for Street and Highways, U.S. Department of Transportation Federal Highway Administration.
- Standard Highway Signs, U.S. Department of Transportation, Federal highway Administration
- Miami-Dade County Public Works manual.

The following are the approved intersections:

NW 87 th Avenue and NW 13 th Terrace
NW 87 th Avenue and NW 14 th Street
NW 87 th Avenue and NW 17 th Street
NW 87 th Avenue and NW 27 th Street
NW 87 th Avenue and NW 58 th Street
NW 84 th Avenue and NW 12 th Street
NW 84 th Avenue and NW 36 th Street
NW 82 th Avenue and NW 12 th Street
NW 82 th Avenue and NW 36 th Street
NW 107 th Avenue and NW 14 th Street
NW 107 th Avenue and NW 17 th Street
NW 107 th Avenue and NW 27 th Street
NW 79 th Avenue and NW 41 th Street
NW 97 th Avenue and NW 25 th Street
NW 114 th Avenue and NW 58 th Street

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Item No. 3D

File No. 180529

Researcher: SM Reviewer: TD

RESOLUTION APPROVING AGREEMENTS FOR THE COORDINATION OF TRANSPORTATION DISADVANTAGED SERVICES IN MIAMI-DADE COUNTY WITH CERTAIN AGENCIES; AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE, TO EXECUTE SAME FOR AND ON BEHALF OF MIAMI-DADE COUNTY, TO EXECUTE ANY ADDITIONAL AGREEMENTS FOR 2018-19 PROGRAM TERM WITH ENTITIES MEETING PROGRAM ELIGIBILITY REQUIREMENTS FOR TRANSPORTATION DISADVANTAGED SERVICES, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether this Board should approve this resolution approving agreements for the coordination of transportation disadvantaged services in Miami-Dade County with certain agencies.

APPLICABLE LEGISLATION/POLICY

Section 49 U.S.C. 5310 Grant Program provides formula funding to states for the purpose of assisting private nonprofit groups in meeting the transportation needs of older adults and people with disabilities when the transportation service provided is unavailable, insufficient, or inappropriate to meeting these needs. Funds are apportioned based on each state's share of the population for these two groups. Formula funds are apportioned to direct recipients; for rural and small urban areas, this is the state Department of Transportation, while in large urban areas, a designated recipient is chosen by the governor. Direct recipients have flexibility in how they select sub recipient projects for funding, but their decision process must be clearly noted in a state/program management plan. The selection process may be formula-based, competitive or discretionary, and sub recipients can include states or local government authorities, private non-profit organizations, and/or operators of public transportation.

<https://www.transit.dot.gov/funding/grants/enhanced-mobility-seniors-individuals-disabilities-section-5310>

Chapter 427 of the Florida Statutes mentions that there is established in the State Treasury the Transportation Disadvantaged Trust Fund to be administered by the Commission for the Transportation Disadvantaged. All fees collected for the transportation disadvantaged program shall be deposited in the trust fund.

<https://www.flsenate.gov/Laws/Statutes/2017/427.0159>

Rule 41-2 of the Florida Administrative Code relates to the commission for the transportation disadvantaged.

<https://www.flrules.org/gateway/ChapterHome.asp?Chapter=41-2>

Section 341.061 of the Florida Statutes governs the transit safety standards; inspections and system safety reviews.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0341/Sections/0341.061.html

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item has no procedural history.

FISCAL IMPACT

Staff time is limited to coordinating with the social service agencies in obtaining and reviewing the agreements, and collecting required agency operating data. That will be tied to how much the fiscal impact to the County will be as it can decrease or increase depending on the amount of staff time that will be dedicated.

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ANALYSIS

This item seeks to approve agreements for the coordination of transportation disadvantaged services in Miami-Dade County with 45 different agencies. The providers have offered to provide transportation services that shall conform to the requirements of their respective agreements. The Department of Transportation and Public Works has been assigned by the Board to carry out the requirements of the Community Transportation Coordinator (CTC) for the County's Transportation Disadvantaged Program, which services the elderly, disabled, children-at-risk, and economically disadvantaged, as stated by the mayoral memo.

The agreement attached in the mayoral memo is one out 45 agreements, it is between the County and Better Way of Miami, Inc. The mayoral memo states that this agreement will be similar in format, and contain standard language as it relates to the various other agreements.

The agreement attached in the mayoral memo states that the terms and conditions of the agreements shall be effective from July 1, 2018 and will continue through June 30, 2019. Furthermore it states that the Commission nor the CTC shall be obligated to reimburse the cost to the provider to provide these services, therefore it will not have a fiscal impact the County.

The agreement states that the provider shall perform the following services which are to provide clients with transportation to and from the agency for medical, psychiatric, entitlement and other appointments related to their treatment and care at Better Way.

The provider's cost in providing each one way trip is \$7.33, and the calculation methodology used to justify the provider's cost is as follows: total Transportation Expenses divided by Total Trips.

The provider must maintain a daily travel log containing the dates of operation, the number of trips, the amount of miles, and the number of clients transported each trip. They must submit to the CTC an annual operating report detailing demographic, operational, and financial data regarding coordination activities in the designated service area on a yearly basis.

The agreement states that the CTC shall assure that these records will be subject to inspection, review, or audit at all reasonable times by persons duly authorized by the Commission or this Agreement. They shall have full access to and the right to examine any of the records and documents during the retention period.

ADDITIONAL INFORMATION

Better Way of Miami, Inc. has based on the information from their website, a 501(c) (3) non-profit health care facility, and has provided one of the most effective long term treatment programs in the southeast for those seeking a real answer to their drug and alcohol addictions. Better Way is proud to be a vital and integral part of the developing systems of care for the homeless, the addicted, the dually diagnosed and the HIV Positive in Miami-Dade County.

<http://www.betterwaymiami.org/>

TPWC Meeting: April 19, 2018
Research Notes

Item No. 3E

File No. 180563

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING CONTRACTS TOTALING AN AMOUNT NOT TO EXCEED \$5,000,000.00 FOR PROFESSIONAL SERVICES AGREEMENTS WITH NOVA CONSULTING INC. AND PINNACLE ENTERPRISES, INC., TO PROVIDE CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR VARIOUS DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS PROJECTS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

ISSUE/REQUESTED ACTION

Whether the Board should approve the Professional Services Agreements between the County and Nova Consulting, Inc. and Pinnacle Consulting Enterprises, Inc. for delivery of construction engineering and inspection services for various Department of Transportation and Public Works (DTPW) projects for a five year term in a total combined amount not to exceed \$5,000,000.

APPLICABLE LEGISLATION/POLICY

Section 287.055 of the Florida Statutes sets forth the Consultants' Competitive Negotiation Act, governing the processes for the acquisition of professional architectural, engineering, landscape architectural or surveying and mapping services.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/0287.html

Section 2-10.4 of the County Code governs the County's acquisition of professional architectural, engineering, landscape architectural or land surveying and mapping services.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Section 2-10.4.01 of the County Code sets forth the County's Small Business Enterprise Architecture and Engineering Program.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR

Section 2-8.1 of the County Code requires that the award recommendation memorandum presented to the Board identify each dedicated allowance, contingency allowance and additional services allowance including the specific purpose for each and the dollar amount that shall be available for each and the corresponding percentage of each dedicated allowance, contingency allowance and additional services allowance in relation to the actual contract price.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE

Section 29-124(f) of the County Code requires the Citizens' Independent Transportation Trust (CITT) to submit a recommendation to the County Commission regarding contract awards where surtax proceeds are applied and for contract awards where no surtax proceeds are applied but the associated allocation is for a transit-related procurement valued at over \$1 million dollars.

https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR

Resolution No. R-54-10, adopted by the Board on January 21, 2010, rescinded Administrative Order No. 3-24 (Responsible Wages and Benefits for County Construction Contracts) and approved Implementing Order No. 3-24 to clarify terms requiring the use of the higher wage rates between Davis-Bacon and the County's prevailing wage rate structure unless prohibited by state or federal law or disallowed by a governmental funding source.

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<http://intra/gia/matter.asp?matter=093210&file=true&yearFolder=Y2009>

Administrative Order No. 3-39 establishes the County's policies and procedures for user departments for the construction of capital improvements, acquisition of professional services, construction contracting, change orders and reporting.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-39.pdf>

Implementing Order No. 3-32 sets forth the County's procedures for the Community Business Enterprise Program for the purchase of professional architectural, landscape architectural, engineering or surveying and mapping services.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-32.pdf>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

FISCAL IMPACT

Under the Professional Services Agreements, the total combined maximum limiting amount of both contracts is not to exceed \$5,000,000. DTPW shall confer with the consultant before any Notice to Proceed is issued to discuss and agree upon the scope, time for completion, estimate man hours and fee for services to be rendered.

The breakdown of the \$5,000,000 allocation per capital budget category is as follows: (1) \$997,680 for Countywide Bridge Rehabilitation and Improvements; (2) \$600,120 for Intersection Improvements Countywide; (3) \$835,000 for Arterial Roads Countywide; and (4) \$2,567,200 for Road Widening Countywide.

People's Transportation Plan work authorizations provided under these PSAs are for construction contracts previously approved by the Board and the Citizens' Independent Transportation Trust.

ANALYSIS

This item is requesting Board approval to award Professional Services Agreements to Nova Consulting, Inc. (Nova) and Pinnacle Consulting Enterprises, Inc. (Pinnacle) for construction and engineering inspection services for various DTPW projects for a combined value of up to \$5,000,000 for a five-year term. The estimated contingency period is 183 days. The project sites are in Districts 3, 7, 8, 9 and 2.

Under the agreements, the scope of services includes, but is not limited to, the following:

- Provide project inspection;
- Assist the County with constructability, cost estimates, technical plan reviews and value engineering as necessary for plan revisions before project advertisement and during construction;
- Deliver material samples to County's designated lab provider;
- Inspect the project to verify general compliance with the design intent of the plan and specification requirements;
- Review and recommend payment or rejection of the contractor or design-builder's monthly pay estimates of work performed associated with the project;
- Assist in the preparation and issuance of construction change orders and supplemental agreements;
- Coordinate and host a CPM baseline schedule review meeting with the contractor or design-builder and County;
- Review project for final acceptance and coordinate final review with County personnel;
- Confirm that the contractor or design-builder has obtained necessary permits;
- Coordinate utility adjustment activities, utility installation verification, monitoring, record management, reporting and as-built drawings; and
- Ensure all closeout documentation is received from the contractor or design-builder, including but not limited to all guarantees, operating and maintenance manuals, releases of claims and certificates required and then deliver them to the County.

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The PSAs include a SBE-A/E goal, which is a 100 percent Tier 3 set-aside. A subconsultant will only be used where the prime is unable to deliver a requested service.

Per information found on the Florida dbpr (the website for the state of Florida's Department of Business & Professional Regulation), Nova has a current status, is located at 10486 NW 31 Terrace, Doral, Florida and holds a Certificate of Authorization license. The firm's professional engineer is Maria Molina. Similarly, Pinnacle has a current status, is located at 6 Palermo Avenue, Coral Gables, Florida, and holds a Certificate of Authorization license. The firm's professional engineer is Arturo Jose Perez.

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Research Notes**

Item No. 3F

File No. 180568

Researcher: BM Reviewer: TD

RESOLUTION AUTHORIZING THE APPROVAL OF A RAILROAD CROSSING LICENSE AGREEMENT, BETWEEN MIAMI-DADE COUNTY AND FLORIDA EAST COAST RAILWAY CO. LLC, FOR THE RECONSTRUCTION OF RAILROAD CROSSING AND TRAFFIC CONTROL DEVICES AT NE 2 AVENUE IN THE VICINITY OF NE 73 STREET IN THE AMOUNT ESTIMATED AT \$365,869.45; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE AGREEMENT, TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

ISSUE/REQUESTED ACTION

Whether the Board should authorize the execution of a Railroad Crossing License Agreement between Miami-Dade County and Florida East Coast Railway, Co., LLC for the reconstruction of Railroad Crossing and Traffic Control Devices at N.W. 2nd Avenue in the vicinity of N.E. 73rd Street.

APPLICABLE LEGISLATION/POLICY

Miami-Dade County Code, Section 29-124 governs the uses of surtax proceeds, and the role of the Citizens' Independent Transportation Trust. Expenditure of surtax proceeds shall be subject to the following limitations:

- (g) Surtax proceeds shall be applied to expand the Golden Passport Program to all persons who are over the age of 65 or are drawing Social Security benefits, and to provide fare-free public transportation service on Metromover.
- (h) Surtax proceeds may only be expended for the transportation and transit purposes specified in Section 212.055 (1) (d) 1-4 of the Florida Statutes.
- (i) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs.
- (j) The Trust shall in consultation with the Mayor recommend to the County Commission a Five-Year Implementation Plan.
- (k) The Five-Year Implementation Plan and any proposed deletion, material change or addition of a County project shall be initially reviewed by the Citizens' Independent Transportation Trust, which shall forward a recommendation thereon to the County Commission.
- (l) No surtax proceeds may be used to pay the costs of a contract unless the Trust has submitted a recommendation to the County Commission regarding said contract award.

http://miamidade.fl.elaws.us/code/coordptiii_ch29_artxvi_sec29-124

Miami-Dade County Code, Section 29-121, states that "There is hereby levied and imposed a one half of one percent discretionary sales surtax authorized by Section 212.055(1), Florida Statutes (2001) on all transactions occurring in Miami-Dade County which transactions are subject to the state tax imposed on sales, use, rentals, admissions and other transactions by Chapter 212, Florida Statutes (2001)."

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-121SASULE

Miami-Dade county Code, Section 2-8.3, provides that "Whenever a competitive process is utilized for selection of a contractor, vendor, consultant, tenant or concessionaire, the County Mayor shall review the responses to the solicitation and recommend to the County Commission award or other appropriate action."

http://miamidade.fl.elaws.us/code/coordptiii_ch2_arti_sec2-8.3

Florida Statutes, Section 212.055(1)(d) governs "Discretionary sales surtaxes; legislative intent; authorization and use of proceeds. Sub-section (1)(d) provides that "Proceeds from the surtax shall be applied to as many or as few of the uses enumerated below in whatever combination the County Commission deems appropriate:

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- 5) Deposited by the County in the Trust Fund and shall be used for the purposes of development, construction, equipment, maintenance, operation, supportive services, including a countywide bus system, on-demand transportation services, and related costs of a fixed guideway rapid transit system;
- 6) Remitted by the governing body of the County as an expressway, transit, or transportation authority created by law to be used, at the discretion of such authority, for the development, construction, operation, or maintenance of roads or bridges in the County ...;
- 7) Used by the County for the development, construction, operation, and maintenance of roads and bridges in the County; for the expansion, operation, and maintenance of bus and fixed guideway systems; for the expansion , operation, and maintenance of on-demand transportation services ...;
- 8) Used by the County for the planning, development, construction, operation, and maintenance of roads and bridges in the County ...”

http://www.leg.state.fl.us/STATUTES/index.cfm?App_mode=Display_Statute&URL=0200-0299/0212/Sections/0212.055.html

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

This item has no procedural history.

FISCAL IMPACT

According to the Fiscal Impact Statement, the cost of construction is estimated at \$365,869.45, and will be funded from Surtax funds. The capital project number is 2000000538, site S77144. Once the crossing and devices are completed are completed by FEC, the County will be responsible for the maintenance of the crossing surface on an as-needed basis and pay 50 percent of the annual maintenance fee of the traffic control devices. The portion of the annual maintenance fee for the crossing protective devices to be paid by the County is \$4,465, and will be funded through the Secondary Gas Tax.

This work is part of the overall project along N.E. 2nd Avenue from N.E. 20th Street to N.E. 91st Street, which is listed in Exhibit 1 of the People’s Transportation Plan Adopting Ordinance. The construction of the project will require County funding from proceeds collected through the Charter County Transportation Surtax.

ANALYSIS

The proposed Resolution authorizes the execution of a Railroad Crossing License Agreement between the County and Florida East Coast Railway, Co. LLF (FEC) for the reconstruction of Railroad Crossing and Traffic Control Devices at NE 2 Avenue in the vicinity of NE 73 Street. The location, as depicted in the below map, is in Commission District 3.

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Given that the construction of the project will require County funding from proceeds collected through the Charter County Transportation Surtax, review and a recommendation by the Citizens' Independent Transportation Trust (CITT) is required prior to the execution of the agreement. The Agreement may only be considered by the Board if the CITT has forwarded a recommendation to the Board prior to the date scheduled for Board consideration, or 45 days have elapsed since the filing of the agreement with the Clerk of the Board. If neither has occurred, the Mayor will request a withdrawal of the item.

The reconstruction cost estimated at \$365,869.45 includes widening of the railroad crossing and new traffic control devices. Below is the summary of expenses included in Exhibit B of the License Agreement.

Cost Estimate Summary

Crossing Warning System (includes all design requisition, labor, materials, shop wiring, and installation)	\$100,543.11
Crossing Surface/Resurface (includes all design, requisition, labor, materials and installation)	\$240,326.34
Track Grade and Rehabilitation (includes all design, requisition, labor, materials and installation)	\$0.00
Railroad Engineering (includes railroad labor for reviewing engineering authorizations, field inspections and administrative labor)	\$2,500.00
Preliminary Engineering – Phase 1 (includes contract labor for all engineering, agency coordination, and project management)	\$7,500.00
Agreements & Approvals – Phase 2 (includes contract labor for all engineering, agency coordination, and project management)	\$5,000.00
Construction Engineering – Phase 3 (includes contract labor for all engineering, agency coordination, and project management)	\$5,000.00
Construction Engineering Inspection (CEI) – estimated construction engineering inspection cost based on \$1500 per day	\$5,000.00
AC Power Service – includes all power services charges not included in other costs	\$0.00
Other	\$0.00
TOTAL ESTIMATE COST	\$365,869.45

TPWC Meeting: April 19, 2018
Research Notes

Item No. 3G
File No. 180923

Researcher: PGE Reviewer: TD

RESOLUTION AUTHORIZING DESIGNATED PURCHASE PURSUANT TO SECTION 2-8.1 (B)(3) OF THE MIAMI-DADE COUNTY CODE BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AN AGREEMENT WITH OUTFRONT MEDIA GROUP LLC FOR THE CONTINUATION OF BUS SHELTER CLEANING; MAINTENANCE OF SHELTER ILLUMINATION; PREVENTIVE MAINTENANCE, TRASH REMOVAL, AND REPAIR OF DAMAGED BUS SHELTERS SERVICES FOR A PERIOD NOT TO EXCEED ONE YEAR, AND TO EXERCISE ALL PROVISIONS CONTAINED THEREIN

ISSUE/REQUESTED ACTION

Whether the Board should approve a designated purchase authorizing the Administration to execute a one-year contract extension with Outfront Media Group LLC (Outfront Media) for the continued delivery of bus shelter cleaning and maintenance services for DTPW.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases Generally) applies to all contracts for public improvements and purchases of all supplies, materials and services other than professional services and (1) requires formal sealed bids for purchases over \$250,000; (2) describes the circumstances under which non-competitive purchases may be approved; (3) establishes requirements for legacy purchases, designated purchases, and single vehicle leases; and (4) provides that procurement procedures shall be established by I.O. and approved by the Board.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

Section 2-8.1(b)(3) of the County Code sets forth procedures for authorizing a designated purchase; under this section, designated purchase shall mean a purchase when the procurement through the use of formal sealed bids is not practicable, including, but not limited to: (1) sole source purchases; (2) services where no competition exists such as public utility services; (3) where purchases or rates are fixed by law or ordinance; (4) unique professional or artistic services not governed by the Consultants' Competitive Negotiations Act; (5) purchases of goods and services necessary to address an emergency or where additional formal competition would not be practicable; and (6) a solicitation where only a single proposer has responded to a competitive solicitation but such response contains material defects and the County still desires to enter into a contract with such proposer.

Any recommendation by the Mayor for the award of a Designated Purchase shall at a minimum: (i) provide a written explanation of why the purchase through formal sealed bids would not be practicable under the circumstances and is in the best interest of the County, (ii) provide a written explanation of the process followed resulting in the recommendation for a Designated Purchase, and (iii) provide a written description of any informal competition conducted and any and all efforts to obtain a valuation of the recommended purchase. The Board of County Commissioners shall adopt any resolution authorizing a Designated Purchase by a two-thirds vote of the members present.

[https://library.municode.com/fl/miami -
dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

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Resolution No. R-18-15, adopted by the Board on January 21, 2015, approved award of an agreement with Outfront Media to develop and manage a revenue-generating advertising program for the Transit Department over an initial five-year term and two, five-year renewal options.

<http://intra/gia/matter.asp?matter=150046&file=true&yearFolder=Y2015>

Resolution No. R-327-16, adopted by the Board on April 19, 2016, authorized a designated purchase to execute an agreement with Outfront Media for a one-year term for continuation of bus shelter cleaning and maintenance services provided for under a permit agreement.

<http://intra/gia/matter.asp?matter=160596&file=true&yearFolder=Y2016>

Resolution No. R-448-17, adopted by the Board on April 18, 2017, authorized a designated purchase to execute an agreement with Outfront Media for a one-year term for continuation of bus shelter cleaning and maintenance services.

<http://intra/gia/matter.asp?matter=170892&file=true&yearFolder=Y2017>

Resolution No. R-187-12, adopted by the Board on February 21, 2012, directs the County Mayor to include due diligence information in memoranda recommending certain contract awards.

<http://intra/gia/legistarfiles/MinMatters/Y2012/120287min.pdf>

Resolution No. R-841-06, adopted by the Board on July 6, 2006, requires the Administration to seek approval for award of successor contracts or extensions 30 days prior to contract expiration.

<http://www.miamidade.gov/govaction/matter.asp?matter=061720&file=true&yearFolder=Y2006>

Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services. The I.O. outlines: the roles and responsibilities of the Internal Services Department; the methods of purchasing goods and services; the authority to award and modify contracts; and the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.pdf>

Administrative Order No. 8-5 sets forth the process whereby permits to conduct private business on County property may be applied for and approved.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-5.pdf>

PROCEDURAL HISTORY

Prime Sponsor: N/A

Department/Requester: Transportation and Public Works

FISCAL IMPACT

There is no fiscal impact to the County under this item. As indicated in the mayoral memorandum, the cleaning and maintenance services will be delivered by Outfront Media at no cost to the County at approximately 1,035 bus shelters. The value of the work for the one-year term is \$1,669,900.

ANALYSIS

This item is requesting Board approval of a designated purchase to authorize the Administration to execute a one-year contract extension with Outfront Media for delivery of cleaning, maintenance and repair services at approximately 1,035 County-owned bus shelters. The existing agreement with Outfront expires on May 1, 2018. A designated purchase is being requested to afford DTPW sufficient time to finalize a long-term bus shelter contract.

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Pursuant to Resolution No. R-448-17, the Board authorized a designated purchase on April 18, 2017 to extend the bus shelter cleaning and maintenance contract with Outfront Media for one year. During that year, DTPW advertised a replacement solicitation. The solicitation resulted in the receipt of no bids, ultimately leading to the current request to further extend the contract.

As communicated in the mayoral memorandum, new modifications to the RFP are in the process of completion, and a modified RFP is scheduled to be advertised during the Second Quarter of Fiscal Year 2018. It is unclear from the mayoral memorandum the steps taken by DTPW to ensure that this re-advertisement will generate competition.

Under the extension agreement, Outfront will be authorized to continue selling and posting advertisement at the County-owned bus passenger shelters and will also be required to continue cleaning, maintaining and repairing the County's bus passenger shelters. The following specific services shall be delivered by Outfront under the agreement:

- Repairing all vandalized bus shelters;
- Repairing all bus shelters damaged by vehicular accidents;
- Replacing all missing bus shelter glass panels or any other missing component;
- Maintaining the existing solar system components located on top of and inside the bus shelters;
- Emptying bus shelter trash receptacles and trimming and mowing the grass at bus shelters; and
- Relocating existing County bus shelters due to roadway widening construction projects and bus route changes.

ADDITIONAL INFORMATION

Per information found on sunbiz.org, the official website of the Florida Department of State Division of Corporations, Outfront is a foreign limited liability company with a principal address of 405 Lexington Avenue, New York, New York.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=OUTFRONTMEDIAGROUP%20M140000012921&aggregateId=forl-m14000001292-b045d326-cf0e-486d-9175-6b9eb536b822&searchTerm=Outfront%20Media%20Group%20LLC&listNameOrder=OUTFRONTMEDIAGROUP%20M140000012921>

According to its website, Outfront is one of the largest out-of-home media companies in North America, holding a diverse portfolio which includes more than 400,000 digital and static displays located in the most high-traffic locations throughout the 25 largest markets in the U.S. Outfront is the advertising partner of choice for major municipal transit systems, reaching millions of commuters daily in the largest U.S. cities.

<https://www.outfrontmedia.com/whoweare/pages/aboutus.aspx>