



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

**Transportation and Public Works Committee (TPWC) Meeting**

June 14, 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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Research Notes**

**Item No. 1G1  
File No. 181283**

**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 FOR FISCAL YEAR 2018, SECTION 5307 GRANT PROGRAM FLEXIBLE FUNDING IN THE AMOUNT OF \$602,160.00; AUTHORIZING RECEIPT AND EXPENDITURE OF FUNDS PURSUANT TO SUCH APPLICATION AND AGREEMENT; AND AUTHORIZING RECEIPT OF ANY ADDITIONAL FUNDS AS SPECIFIED IN THE AGREEMENT SHOULD THEY BECOME AVAILABLE

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the terms of a FY 2018 grant application with the United States Department of Transportation Federal Transit Administration's Section 5307 Grant Program in the amount of \$602,160, and authorize the County Mayor or his designee to execute and file the grant application. Grant funding will be used to purchase a bus to be used on routes in the City of North Miami Beach.

**APPLICABLE LEGISLATION/POLICY**

The Consolidated Appropriations Act of 2016, signed into law on December 18, 2015, is federal omnibus appropriations legislation for FY 2016-2017. Included therein is a Department of Transportation Appropriations Act repurposing provision allowing states and territories to repurpose certain funds originally earmarked for specific projects over ten years ago.

<https://www.gpo.gov/fdsys/pkg/PLAW-114publ113/pdf/PLAW-114publ113.pdf>

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Transportation and Public Works**

The proposed resolution has no procedural history.

**FISCAL IMPACT**

There will be no fiscal impact to the County for the funding applied for in this grant application as the required local match of \$150,540 will be provided in full by the Florida Department of Transportation (FDOT) through the use of State Transportation Development Credits. 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.

Once the United States Department of Transportation Federal Transit Administration (FTA) reimburses the County for the purchase of the bus, the Department of Transportation and Public Works (DTPW) has agreed to enter into an Interlocal Agreement to provide local funds to the City, whereby bond proceeds from the Charter County Transportation System Surtax will be used to reimburse the City.

**ANALYSIS**

The proposed resolution requests approval of a grant application for the County's purchase of one forty-foot Compressed Natural Gas (CNG) bus to be used on County bus routes within the boundary of City of North Miami Beach. The funds in question were originally earmarked for the City's Reconstruction of Hanford Boulevard roadway improvement project. The County will apply for a federal grant in the amount of \$602,160 on behalf of the City of North Miami Beach to avoid a lapsing of the unused, repurposed funds, as the project was completed under budget.

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Given that these funds remained after the project was completed, the City requested and attained FDOT approval in 2016 to repurpose the funds for the purchase of new buses. The City sought to repurpose the funding again to allow for the purchase of bus shelters, but Section 125 of the Department of Transportation Appropriations Act, 2016 (Repurposing Provision) does not allow repurposing once funds have already been repurposed.

The Repurposing Provision provides the authority for a state or territory to repurpose any earmark that was designated on or before September 30, 2005, and is less than 10 percent obligated or final vouchered and closed. The repurposed funds may be obligated on a new or existing project in the state within 50 miles of the earmark designation. The project must be an eligible project under the Surface Transportation Block Grant Program (STBG). The Repurposing Provision is available to be applied in FY 2016. Once funds are repurposed under the Repurposing Provision, **they may not be again repurposed** because the funds have already moved off of the original Congressionally designated earmark.

<https://www.fhwa.dot.gov/cfo/earmarkrepurposing/fy2016/memorandum.cfm>

The City of North Miami Beach has three years after the fiscal year of the request (2016) to obligate funds or the funding is lost. To prevent this from happening, the County is submitting the grant application on behalf of the City. The County will then use the funds to purchase a County bus to serve County bus routes in the City of North Miami Beach.

The bus routes include:

Route Number	Route
Route 2	CBD -163 Street Mall via NW 2 Avenue
Route 3	Aventura Mall - CBD via Biscayne Boulevard
Route 9	Aventura - CBD via NE 6 and 2 Avenue
Route 10	Skylake-Omni via NE 12 & 2 Avenue
Route 16	163 Street- Omni via 16 Avenue & Biscayne Boulevard
Route 19	163 Street Mall - MDC North
Route 22	163 Street Mall - Coconut Grove via 22 Avenue
Route 75	Miami Lakes - 163 Street Mall-FIU Biscayne Bay
Route 77	Norwood- CBD via NW 7 Avenue
Route 93	Biscayne MAX CBD -Aventura
Route 105	East Golden Glades-Aventura/Hallandale
Route 108	H-N. Miami Beach/72 Street and Collins Avenue
Route 183	NW 87 Avenue/186 St-Aventura
Route 246	Night Owl

An Interlocal Agreement will be presented separately to the Citizen's Independent Transportation Trust for its review, and to the Board for approval that will provide for a reimbursement to the City through bond proceeds from the Charter County Transportation System Surtax.

**ADDITIONAL INFORMATION**

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).

<https://www.fhwa.dot.gov/fastact/factsheets/stbgfs.cfm>

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**Item No. 3B  
File No. 181251**

**Researcher: BM   Reviewer: TD**

RESOLUTION AUTHORIZING THE ELIMINATION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 160 FROM RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED IMPROVEMENTS TO SW 137 AVENUE FROM SW US-1 (SR 5) TO SW 200 STREET AND RESCINDING RESOLUTION NO. R-1018-16

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a resolution:

- (1) Authorizing the elimination of the designated property known as Parcel 160 from right-of-way needed for the People's Transportation Plan Project (PTP) 'Improvements to SW 137 Avenue from SW US-1 (SR5) to SW 200 Street; and
- (2) Rescinding Resolution No. R-1018-16.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.3 of the County Code (Mayor's Recommendation) prescribes 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. Such recommendation shall be in writing and shall be filed with the Clerk of the Board, with copies mailed to all participants in the competitive process, no later than 10 days prior to any Commission meeting at which such recommendation is scheduled to be presented. Such recommendation shall be accompanied by a memorandum from the County Mayor that clearly identifies any and all delegations of Board authority contained in the body of the proposed contract.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

Resolution R-537-13, adopted on July 2, 2013, authorizes the acquisition and declaration of the designated property known as Parcel 122, for publicly necessary improvements. Additionally, Resolution R-537-13 authorizes the County Mayor or the County Mayor's Designee and the County Attorney to take any and all appropriate actions to accomplish the acquisition, and the use of charter county transportation surtax funds.

<http://intra/gia/matter.asp?matter=131064&file=true&yearFolder=Y2013>

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

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

Resolution No. R-1018-16, adopted on November 1, 2016, authorized the acquisition of Parcel 160 for the needed right-of-way PTP project.

<http://intra/gia/legistarfiles/MinMatters/Y2016/162124min.pdf>

Florida State Statutes, Section 336.09, Closing and abandonment of roads, relates to the process of closing public streets.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0300-0399/0336/Sections/0336.09.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0336/Sections/0336.09.html)

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**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Daniella Levine Cava, District 8**

**Department/Requester: Transportation and Public Works**

This item has no procedural history.

**FISCAL IMPACT**

Funding for the right-of-way, design, and construction of this Project are provided by Charter County Transportation Surtax Bond Fund proceeds, and may be supplemented by other eligible funding sources.

**ANALYSIS**

This item authorizes the elimination of Parcel 160 from right-of-way for as it is needed for a PTP Project.

On November 1, 2016, the Board approved Resolution No. R-1018-16 which authorized the acquisition of Parcel 160 for the use in the project. This resolution rescinds Resolution No. R-1018-16. Parcel 160 is located in District 8, which is represented by Commissioner Daniella Levine Cava.

This Project originally required the acquisition of 46 separate parcels. However, in an effort to minimize costs while maintaining the integrity of the Project, and adhering to the objectives set by the Board, the Project was value engineered and redesigned. It was determined that Parcel 160 is not needed to be acquired for the right-of-way needed for the PTP project.

**ADDITIONAL INFORMATION**

The 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.

Since the implementation of the PTP program, the Department has been actively developing all PTP-funded projects. As of September 2012, a total of 45 site specific projects, and approximately 1,064 neighborhood improvement projects, have been identified. Substantial progress has been made on 43 of the 45 site specific projects.

More specifically, 26 projects are complete, one project is under construction, eight projects have a completed design and are undergoing right-of-way acquisition, four projects are under design, four projects are being coordinated with a municipality through a Joint Participation Agreement, and two projects are currently in the planning process.

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Research Notes**

**Item No. 3C**  
**File No. 181252**

**Researcher: BM Reviewer: TD**

RESOLUTION AUTHORIZING THE ELIMINATION OF THE DESIGNATED PROPERTY KNOWN AS PARCEL 122 FROM RIGHT-OF-WAY NEEDED FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED IMPROVEMENTS TO SW 137 AVENUE, FROM US-1 (SR 5) TO SW 200 STREET AND RESCINDING RESOLUTION NO. R-537-13

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a resolution:

- (1) Authorizing the elimination of the designated property known as Parcel 122 from right-of-way needed for the People's Transportation Plan Project (PTP) 'Improvements to SW 137 Avenue from SW US-1 (SR5) to SW 200 Street; and
- (2) Rescinding Resolution No. R-537-13.

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.3 of the County Code (Mayor's Recommendation) prescribes 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. Such recommendation shall be in writing and shall be filed with the Clerk of the Board, with copies mailed to all participants in the competitive process, no later than 10 days prior to any Commission meeting at which such recommendation is scheduled to be presented. Such recommendation shall be accompanied by a memorandum from the County Mayor that clearly identifies any and all delegations of Board authority contained in the body of the proposed contract.

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.3MARE)

Resolution R-537-13, adopted on July 2, 2013, authorizes the acquisition and declaration of the designated property known as Parcel 122, for publicly necessary improvements. Additionally, Resolution R-537-13 authorizes the County Mayor or the County Mayor's Designee and the County Attorney to take any and all appropriate actions to accomplish the acquisition, and the use of charter county transportation surtax funds.

<http://intra/gia/matter.asp?matter=131064&file=true&yearFolder=Y2013>

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

[https://library.municode.com/fl/miami -  
dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.3MARE](https://library.municode.com/fl/miami-dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.3MARE)

Resolution No. R-537-13, adopted on July 2, 2013, authorized the acquisition of Parcel 122 for the needed right-of-way PTP project.

<http://intra/gia/legistarfiles/MinMatters/Y2013/131064min.pdf>

Florida State Statutes, Section 336.09, Closing and abandonment of roads, relates to the process of closing public streets.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0300-0399/0336/Sections/0336.09.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0336/Sections/0336.09.html)

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**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Daniella Levine Cava, District 8**

**Department/Requester: Transportation and Public Works**

This item has no procedural history.

**FISCAL IMPACT**

Funding for the right-of-way, design, and construction of this Project are provided by Charter County Transportation Surtax Bond Fund proceeds, and may be supplemented by other eligible funding sources.

**ANALYSIS**

This item authorizes the elimination of Parcel 160 from right-of-way for as it is needed for a PTP Project.

On July 2, 2013, the Board approved Resolution No. R-537-13 which authorized the acquisition of Parcel 122 for the use in the project. This resolution rescinds Resolution No. R-537-13. Parcel 122 is located in District 8, which is represented by Commissioner Daniella Levine Cava.

This Project originally required the acquisition of 46 separate parcels. However, in an effort to minimize costs while maintaining the integrity of the Project, and adhering to the objectives set by the Board, the Project was value engineered and redesigned. It was determined that Parcel 122 is not needed to be acquired for the right-of-way needed for the PTP project.

**ADDITIONAL INFORMATION**

The 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.

Since the implementation of the PTP program, the Department has been actively developing all PTP-funded projects. As of September 2012, a total of 45 site specific projects, and approximately 1,064 neighborhood improvement projects, have been identified. Substantial progress has been made on 43 of the 45 site specific projects.

More specifically, 26 projects are complete, one project is under construction, eight projects have a completed design and are undergoing right-of-way acquisition, four projects are under design, four projects are being coordinated with a municipality through a Joint Participation Agreement, and two projects are currently in the planning process.



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Research Notes**

**Item No. 3E  
File No. 181199**

**Researcher: PGE Reviewer: TD**

RESOLUTION APPROVING AWARD OF MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN - RPQ NUMBER: 362336 FOR DADELAND NORTH PARKING GARAGE FIRE SUPPRESSION PROJECT TO NATIONAL FIRE PROTECTION, LLC, IN THE AMOUNT OF \$2,488,200.00 AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve award of Miscellaneous Construction Contract (MCC) 7360 Plan RFQ No. 362336, *Dadeland North Parking Garage Fire Suppression Project*, to National Fire Protection, LLC in the amount of \$2,488,200 for a one-year period for the Department of Transportation and Public Works (DTPW).

**APPLICABLE LEGISLATION/POLICY**

Section 2-8.2.7 of the County Code (Miscellaneous Construction Contracts Program) is intended to enhance the contracting opportunities of Small Business Enterprises for construction services and to facilitate and expedite the award of construction contracts to small businesses. MCC participants are allowed to participate in the contracting plans (i.e., 7040 Plan and 7360 Plan) in accordance with the contracting procedures and specifications to be developed, maintained and amended by the Small Business Development Division of the Internal Services Department.

The 7040 Plan is a rotational set-aside, and the 7360 Plan is an open competitive plan. The 7360 Plan is used whenever the funding source prohibits the use of SBE-Con set-asides or when SBD determines that there is insufficient availability for a SBE-Con set aside within the 7040 Plan to accomplish the proposed work.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.2.7.01MICOCOPR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR)

Section 29-124 of the County Code sets forth the role of the Citizens' Independent Transportation Trust (CITT) and the proper use of surtax proceeds. Under this Code Section, 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. The County Commission, if in agreement with the Trust's recommendation, may award a contract by majority vote. The County Commission may modify or reject the recommendation of the Trust by a two-thirds (2/3) vote of the Commission's membership. If the Trust has failed to forward a recommendation to the County Commission within 45 days of the County Mayor or County Mayor's designee filing an award recommendation with the Clerk of the Board, the County Commission may take action on the contract award recommendation without any Trust recommendation. Notwithstanding any other provision to the contrary, a committee of the Commission may consider a contract award recommendation prior to receipt of a recommendation of the Trust.

[https://library.municode.com/fl/miami\\_-\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE\\_212.0551FLST2001\\_S29-124SPFUCRUSSUPPROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE_212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR)

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.

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The Mayor is delegated the authority to award and reject bids or proposals for contracts for public improvements (construction), and purchases of supplies, materials and services (including professional services, other than professional architectural, engineering and other services subject to section 2-10.4 and Section 287.055, Florida Statutes) costing \$1,000,000 or less, or in the case of miscellaneous construction contracts designed to provide opportunities for Community Small Business Enterprises specifically authorized by Board resolution \$5,000,000 or less, without the need for action by the County Commission.

For contract awards, information shall be added to the recommendation for award memorandum presented by the County Mayor to the Board of County Commissioners identifying (1) 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 (2) 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](https://library.municode.com/fl/miami/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

NFPA 13 sets forth the industry benchmark for design and installation of automatic fire sprinkler systems and component options to prevent fire deaths and property loss.

<https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=13>

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-54-10, adopted by the Board on January 21, 2010, rescinds Administrative Order No. 3-24, Responsible Wages and Benefits for County Construction Contracts, and approves 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.

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

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>

### **PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

**Department/Requester:** Transportation and Public Works

### **FISCAL IMPACT**

The fiscal impact for the project is \$2,488,200 (i.e., a base estimate of \$2,262,000 and contingency allowance of \$226,200) for a total contract period of 365 days. The contingency amount of \$226,200 is only to be used for unforeseen conditions as determined by DTPW.

### **ANALYSIS**

This item is requesting approval to award a contract under the MCC 7360 Plan to National Fire Protection, LLC in the amount of \$2,488,200 for the Dadeland North Parking Garage Fire Suppression project. The project duration is a period of 365 days and includes a two percent SBE-GS goal. Per the RPQ, the work is to be conducted in accord with National Fire Protection Association standards and requires a mechanical license. The awardee is a foreign limited liability company with a principal address of 515 Dover Road, Rockville, Maryland and holds an Electrical Course Provider, Electrical Business Information

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and Certified Alarm System Contractor licenses. The project is located in District 7, which is represented by Commissioner Xavier L. Suarez.

Due to the deteriorated condition of the fire suppression system at the Dadeland North Parking Garage, DTPW solicited construction services through the County's MCC Program to replace the entire fire protection system throughout the parking garage and for fire alarm replacement of valve tamper and flow switches to the existing fire alarm in the building. Only two bids were received in response to the RPQ, one of which was found nonresponsive. However, a responsiveness opinion from the County Attorney's Office was not included in the agenda package as required by Implementing Order No. 2-13.

Under the RPQ, the awardee shall submit all required permits to the County prior to performing any work. The awardee shall also provide all necessary labor, equipment and materials for a complete functioning fire suppression system and associated fire alarm connections to replace the existing fire suppression system at the Dadeland North Parking Garage, including painting in accordance to the National Fire Protection Association Code, County Code and per DTPW project scope and technical specifications.

OCA concluded that National Fire Protection LLC is not a County certified small business enterprise based on a certified vendor directory search in the Business Management Workforce System on June 13, 2018. It is unclear from the agenda package what efforts were taken by DTPW to maximize local vendor participation in this RPQ, particularly considering the availability of local certified firms under the commodity codes linked to the RPQ – 90638 and 90963.

**ADDITIONAL INFORMATION**

The National Fire Protection Association (NFPA) is a global nonprofit organization, established in 1896, devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards. The organization delivers information through more than 300 consensus codes and standards, research, training, education, outreach and advocacy. See the link below to NFPA's website.

<https://www.nfpa.org/About-NFPA>

The Electrical Contractors' Licensing Board licenses individuals as contractors to perform electrical and alarm work pursuant to Chapter 489 Part II, Florida Statutes. In order to do business as a corporation, partnership, limited liability company or any business entity other than a sole proprietorship, the contractor must be approved to qualify that business entity. Each electrical or alarm business must be qualified by a properly licensed individual contractor in order to engage in construction activities in Florida.

<http://www.myfloridalicense.com/DBPR/electrical-contractors/electrical-contractors-business-information/>

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Research Notes**

**Item No. 3F  
File No. 181284**

**Researcher: MF Reviewer: TD**

RESOLUTION APPROVING AND AUTHORIZING THE USE OF UP TO \$3,368,713.93 IN CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR ROADWAY RESURFACING CONTRACTS AWARDED UNDER THE MISCELLANEOUS CONSTRUCTION CONTRACT 7360 PLAN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve and authorize the use of up to \$3,368,713.93 in Charter County Transportation Surtax Funds for roadway resurfacing contracts awarded under the Miscellaneous Construction Contract 7360 Plan.

**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. It states that 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 sub-section (d) in this Sections.

[http://miamidade.fl.elaws.us/code/coord\\_ptiii\\_ch29\\_artxvi\\_sec29-124](http://miamidade.fl.elaws.us/code/coord_ptiii_ch29_artxvi_sec29-124)

**Miami-Dade County Code, Section 2-1421**, governs the Citizens' Independent Transportation Trust; powers over expenditure and use of proceeds of proposed Charter County Transit System Surtax.

[http://miamidade.fl.elaws.us/code/coord\\_ptiii\\_ch2\\_artxcvii\\_sec2-1421](http://miamidade.fl.elaws.us/code/coord_ptiii_ch2_artxcvii_sec2-1421)

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

**Miami-Dade County Implementing Order 3-53** establishes a policy for the use of the Miscellaneous Construction Contracts (MCC) program, which provides small, local contractors countywide with a fair opportunity to compete for work on County construction projects of appropriate size.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-53.pdf>

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**Miami-Dade County Code, Section 2-8.1**, requires formal sealed bids for purchases over \$250,000; describes the circumstances under which competitive bidding may be waived; establishes requirements for legacy purchases, designated purchases, and provides that procurement procedures shall be established via an Implementing Order.

[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)

**Resolution No. R-507-04**, adopted by the Board on April 27, 2004, approved the Amendment to the Neighborhood Improvements Section of the People's Transportation Plan to include roadway signage, roadway lighting, pavement markings, and traffic calming.

<http://intra/gia/matter.asp?matter=040989&file=true&yearFolder=Y2004>

### **PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

**Department/Requester:** Transportation and Public Works

The proposed resolution has no procedural history.

### **FISCAL IMPACT**

According to the Fiscal Impact Statement, the individual projects will be funded through INFRASTRUCTURE IMPROVEMENTS – COUNTYWIDE (2000000535) in FY 2017-18 Adopted Multi-Year Capital Plan. The fiscal impact to the Surtax shall not exceed the contract award amount for each contract. Work orders funded by the Surtax will only be issued when written approval is received from a Commission District office for the use of their PTP allocation approved by Resolution No. R-507-04. There is no additional fiscal impact to operations or maintenance.

### **ANALYSIS**

The contracts below for Roadway Resurfacing have previously been awarded under the Miscellaneous Construction Contracts (MCC) 7360 Plans for roadway resurfacing projects; and are currently approved for the use of non-Surtax funding sources through the MCC program. The proposed resolution seeks Board approval for the use of Charter County Transportation Surtax Funds for these contracts designed for those roadway improvement projects included within the People's Transportation Plan. The contracts are described below:

Contract No. 1 – Contract for Roadway Resurfacing – North (RPQ No. 20170253, MCC 7360 Plan) in the amount of \$1,690,802.76 to H & J Asphalt, Inc.

On October 26, 2017, the Department of Transportation and Public Works (DTPW) issued an RPQ for Roadway Resurfacing, utilizing the MCC 7360 Plan – CICC 7360-0/08, to a list of 999 pre-qualified firms. Seven submitted contract documents, and proffered bids. H & J Asphalt, Inc. proffered the lowest responsive and responsible base bid of \$1,428,254.00, which was 6 percent below the County's cost estimate. Based on the results of the solicitation, DTPW issued a recommendation for award on January 2, 2018 to H & J Asphalt, Inc. for a total amount of \$1,690,802.76.

Contract No. 2 – Contract for Roadway Resurfacing – South (RPQ No. 20170254, MCC 7360 Plan) in the amount of \$1,677,911.17 to H & R Paving, Inc.

On November 2, 2017, DTPW issued an RPQ for Roadway Resurfacing, utilizing the MCC 7360 Plan – CICC 7360-0/08 Contract, to a list of 70 pre-qualified firms. Six firms submitted contract documents, and proffered bids. On December 6, 2017, H & R Paving, Inc. proffered the lowest responsive and responsible base bid of \$1,416,743.65, 7 percent below the County's cost estimate. Based on the results of the solicitation, DTPW issued a recommendation for award to H & R Paving for a total amount of \$1,677,911.17.

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Work under these contracts includes the following: Milling and resurfacing; widening and resurfacing of intersecting streets; resurfacing of asphaltic pathways (pedestrian, bicycle, etc.) adjacent or not to the edge of pavement as necessary; temporary utility repairs (cold patches); clearing and excavating of shoulder areas or build-up, as directed by the Engineer; grading and clean-up of adjacent shoulders and removal of roots, as required; pavement markings including the installation of reflective pavement markers at the fire hydrant locations, sidewalk, sidewalk curbs and connectors, and pedestrian ramps.

These contract award recommendations are placed for committee review pursuant to Miami-Dade County Code, Section 29-124, which states that 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 County's Finance Director. Moneys in the special fund shall be spent for the transportation and transit projects and the adopted Five-Year Implementation Plan. 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.
- (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.

These contract award recommendations may only be considered by the Board if the Citizens' Independent Transportation Trust has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or 45 days have elapsed since the filing with the Clerk of the Board of this Contract Award Recommendation.

**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.

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

The People's Transportation Plan (PTP) provided \$167 million for Neighborhood Improvements. These include modifications of intersections; resurfacing of local and arterial roads; installation/repairs of guardrails; installation of school flashing signals and enhancement of greenways and bikeways; replacement/repair of sidewalks; repair/installation of drainage, landscape beautification roadway signage, roadway lighting, pavement markings, and traffic calming; and Americans with Disabilities Act (ADA) accessibility to bus stops throughout the County.

<http://www.miamidade.gov/citt/library/five-year-plan/neighborhood-improvements.pdf>

According to the Florida Department of State Division of Corporations website (Sunbiz.org), H & J Asphalt, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 07/20/1987. The principal address is registered as 4310 NW 35<sup>th</sup> Ave., Miami, FL 33142. Its registered agent is Humberto Lorenzo, 4310 NW 35<sup>th</sup> Ave., Miami, FL 33142.

<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

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According to the Florida Department of State Division of Corporations website (Sunbiz.org), H & R Paving, Inc., has an active status as a Florida Profit Corporation and first filed and registered on 08/19/1976. The principal address is registered as 1955 NW 110<sup>th</sup> Ave., Miami, FL 33172. Its registered agent is Lucrecia Gonzalez, 1955 NW 110<sup>th</sup> Ave., Miami, FL 33172.  
<http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>