

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

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

July 18, 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

THIS PAGE INTENTIONALLY LEFT BLANK

Item No. 3A
File No. 181668
Researcher: PGE Reviewer: TD

RESOLUTION APPROVING SELECTION OF J.P. MORGAN CHASE, N.A. TO PROVIDE CAPITAL IN AN AMOUNT NOT TO EXCEED \$155,000,000.00 FOR LEASE/PURCHASE OF VEHICLES AND/OR EQUIPMENT TO BE UTILIZED BY THE TRANSIT DEPARTMENT AND TO PAY FINANCING COSTS; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES; APPROVING TERMS OF RELATED COMMITMENT LETTER; WAIVING PROVISIONS OF RESOLUTION NO. R-130-06, AS AMENDED AND AUTHORIZING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTION NECESSARY TO CONSUMMATE THE LEASE/PURCHASE INCLUDING ENTERING INTO RELATED AGREEMENTS AND DOCUMENTS WITH TERMS CONSISTENT WITH THOSE SET FORTH IN THE COMMITMENT LETTER

#### ISSUE/REQUESTED ACTION

Whether the Board should authorize: (1) the selection of J.P. Morgan Chase, N.A. (JP Morgan) to provide capital in an amount of up to \$155,000,000 over a one-year period for the lease/purchase and related financing costs of Compressed Natural Gas (CNG) buses for the Transit and Public Works Department; (2) reimbursement of operating funds used to purchase CNG buses per the 2017-18 adopted budget; (3) approval of JP Morgan commitment letter; (4) waiver of Resolution No. R-130-06, which requires that any contracts of the County with third parties be executed and finalized prior to their placement on an agenda for Board consideration; and (5) use of Charter County Transportation Surtax funds to make lease payments and financing costs.

### APPLICABLE LEGISLATION/POLICY

Florida Statutes Section 517.061(7) states that the offer or sale of securities to a bank, trust company, savings institution, insurance company, dealer, investment company as defined by the Investment Company Act of 1940, pension or profit-sharing trust, or qualified institutional buyer as defined by rule of the commission in accordance with Securities and Exchange Commission Rule 144A (17 C.F.R. s. 230.144(A)(a)), whether any of such entities is acting in its individual or fiduciary capacity, provided that such offer or sale of securities is not for the direct or indirect promotion of any scheme or enterprise with the intent of violating or evading any provision of this chapter.

 $\underline{http://www.leg.state.fl.us/Statutes/index.cfm?App\_mode=Display\_Statute\&Search\_String=\&URL=0500-0599/0517/Sections/0517.061.html$ 

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=PTIIICOOR\_CH2AD\_ARTIINGE\_S2-8.1COPUGE

Section 29-124(f) of the County Code sets forth the role of the Citizens' Independent Transportation Trust and provides that 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\_-

<u>dade\_county/codes/code\_of\_ordinances?nodeId=PTIIICOOR\_CH29TA\_ARTXVIONHAONPECHCOTRSYSASUAUSE</u> 212.0551FLST2001 S29-124SPFUCRUSSUPRROCIINTRTR

Resolution No. R-130-06, adopted by the Board on January 24, 2006, clarifies that proposed agenda items seeking approval of a contract or conveyance and authority to execute same shall not be placed on any committee or commission agenda unless the underlying contract or conveyance is completely negotiated, in final form, and executed by all non-County parties. http://intra/gia/matter.asp?matter=060239&file=false&yearFolder=Y2006

Resolution No. R-35-17, adopted by the Board on January 24, 2017, approved award of a Master Developer Agreement for a CNG Program to Trillium Transportation Fuels, LLC in a total amount of up to \$428,773,000 for an initial 10-year term with an option to renew of 10 years.

http://intra/gia/matter.asp?matter=162416&file=true&yearFolder=Y2016

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: Finance Department** 

#### FISCAL IMPACT

The lease/purchase is for an amount not to exceed \$155,000,000; Charter County Transportation Surtax funds will be used to make lease payments and pay for financing costs. The financing amount will be drawn in discrete schedules of varying amounts over a maximum period of one year with schedules amortizing over a period not to exceed 15 years. Lease payments will occur on January 1 and July 1 each year of the financing term, with the first payment beginning on January 1, 2019. The table below shows the financing terms and applicable interest rates.

Term	Interest Rate
12 year	3.20
15 year	3.26

# **ANALYSIS**

This resolution approves the selection of JP Morgan to provide capital in an amount not to exceed \$155,000,000 for lease/purchase of CNG fleet for the Transportation and Public Works Department. The County will use Charter County Transportation Surtax funds to make lease payments and to pay for financing costs. Waiver of Resolution No. R-130-06, which requires that any contracts of the County with third parties be executed and finalized prior to their placement on an agenda for Board consideration, is being requested as JP Morgan has not signed the associated contract and financing documents. It is important to note that the amount to be financed to fund the CNG buses and related components is limited to a one-year period at an interest rate of 3.20 percent for a 12-yeae term and 3.26 percent for a 15-year term.

On July 11, 2018, PFM Financial Advisors, LLC (PFM), the County's financial advisor, requested proposals from lease financing firms for a master bus lease that would provide for the leasing of buses for the Transportation and Public Works Department, with an allowable draw period of one year. The total estimated cost of the equipment to be purchased is

approximately \$155 million, including issuance costs. Under the terms of the proposed lease agreement, the County would own the equipment at the end of the lease term. The request for the master bus lease was circulated to over 50 firms, composed primarily of financial institutions and vehicle lease providers.

On June 22, 2018, three proposals were received in response to the solicitation. The responding firms were:

- ➤ Banc of America Public Capital Corp
- > JP Morgan
- > PNC Equipment Finance

Proposers all provided for an upfront escrow structure where the lending institution would fund and control the escrow at the outset and distribute funding upon requisition from the County and delivery of the equipment. JP Morgan provided the lowest rates on the master bus lease for the 12- and 15-year terms. PFM recommended that the County engage JP Morgan for the master bus lease program.

Item No. 3B

File No. 181526 Researcher: PGE Reviewer: TD

RESOLUTION APPROVING ADDITIONAL EXPENDITURE AUTHORITY IN A TOTAL AMOUNT UP TO \$1,600,000.00 FOR PREQUALIFICATION POOL NO. 6939-0/15 FOR PURCHASE OF NEW AWNINGS AND CANOPIES FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS(Internal Services)

#### ISSUE/REQUESTED ACTION

Whether the Board should authorize additional expenditure authority of up to \$1,600,000 for *Prequalification Pool No. 6939-0/15* for purchase of new awnings and canopies for the Department of Transportation and Public Works (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=PTIIICOOR\_CH2AD\_ARTIINGE\_S2-8.1COPUGE

Section 29-124 of the County Code sets forth the role of the Citizens' Independent Transportation Trust and provides that where no surtax proceeds are used to fund a contract, no County funds may be used to pay the costs of a contract where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at over one million dollars 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 majority vote. 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\_-

<u>dade county/codes/code of ordinances?nodeId=PTIIICOOR CH29TA ARTXVIONHAONPECHCOTRSYSASUAUSE</u> 212.0551FLST2001\_S29-124SPFUCRUSSUPRROCIINTRTR

Section 10-3(b) of the County Code provides that no person or entity shall submit a bid, nor shall any contract be awarded, on any County or municipal public works project in the County unless such person or firm has complied with the required certificate of competency.

https://library.municode.com/fl/miami\_-

dade\_county/codes/code\_of\_ordinances?nodeId=PTIIICOOR\_CH10CO\_ARTIINGE\_S10-3CECOREDOBU

Resolution No. R-716-12, adopted by the Board on September 4, 2012, requires identification of a firm's small business enterprise program certification in any procurement item submitted for Board approval.

http://intra/gia/matter.asp?matter=121265&file=true&yearFolder=Y2012

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-1179-10, adopted by the Board on December 7, 2010, authorized award of a prequalification pool for purchase of repair, replacement, and installation services for awnings and canopies for County departments for a five-year term in the amount of \$2,462,500.

http://intra/gia/matter.asp?matter=102518&file=true&yearFolder=Y2010

Resolution No. R-31-16, adopted by the Board on January 20, 2016, authorized additional time of five years and expenditure authority in a total amount of up to \$1,922,000 for the prequalification pool for purchase of repair, replacement and installation services for awnings and canopies for County departments.

http://intra/gia/matter.asp?matter=171912&file=false&yearFolder=Y2017

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: Internal Services** 

#### FISCAL IMPACT

The value of the current pool, which expires on February 28, 2021, is \$6,475,165. If the requested increase of \$1,600,000 is approved, the pool's modified allocation will be \$8,075,165. The funding source for the increase is DTPW Operating. Per information seen in the Bid Tracking System on July 17, 2018, of the \$6,475,165 allocated to the pool's Blanket Purchase Order, \$3,373,512.44 has been released, leaving a balance of \$3,101,652.56.

#### **ANALYSIS**

This item is requesting Board approval to increase spending authority under this pool by \$1,600,000 for the DTPW to repair damaged bus shelters along the South Dade Bus Way. The majority of the damage was due to Hurricane Irma. Some of the damaged canopies have been fixed several times; however, persistent wind continues to tear the ropes. DTPW claims it is imperative that the canopies are repaired and restored immediately since this is the rainy season.

Currently, there is insufficient funding to proceed with the repairs based on DTPW's remaining allocation, which has already been slated for expenditure. In the event of a hurricane or other major catastrophe, the requested funding will cover repair and installation work to any of the damaged shelters along the bus way. The repair of damages from a major catastrophe at any given time throughout the life of the pool could cost as much as \$300,000 to \$800,000, with a portion of that sum potentially being reimbursed by FTA. The Internal Services Department will use a portion of the current allocation to award a contract for \$123,000 for the federal reimbursable portion of the damaged canopies. DTPW will issue a solicitation for the non-federal reimbursable damages and estimates the cost at \$34,000 for a low bid and as high as \$100,000 if fabric is not readily available.

The pool is used by various County departments to purchase repair, replacement and installation services for new awnings and canopies as needed. The contracted vendor shall furnish all labor, material and equipment necessary for satisfactory contract performance. The canopy and awning work under the pool may include the following:

- > Patch torn area
- > Sew torn area
- > Reinforce torn area
- ➤ Reinforce seams
- Replace pipe connectors, plates, anchors and bolts
- Priming framework
- > Painting framework

- ➤ Re-welding framework
- > Sanding framework
- Shaping fabric
- Connect fabric to current structure
- > Replace covers
- Remove old fabric and replace with new fabric
- Discard old structures

To participate in the pool, the vendor shall hold any of the following valid Certificates of Competency and/or license issued by the State or County Examining Board:

- ➤ Miami Dade County Canvas Awning Contractor
- Miami Dade County Miscellaneous Metals Contractor
- Miami Dade County General Contractor
- Miami Dade County Building Contractor
- > State of Florida General Contractor
- > State of Florida Building Contractor
- State of Florida Specialty Structure Contractor

There are six vendors currently prequalified in the pool, of which four are local and three are certified SBE firms. The commodity code for the pool is 87022 (Awnings, Vinyl). A search of the Business Management Workforce System on July 17, 2018 found the following vendors under that commodity code: (1) Flex Florida Corp.; (2) Miami Beach Awning Co.; and (3) Paradise Awnings Corporation. The latter two vendors are prequalified under this pool. Note that Awnings by Design Corp is identified as a SBE in the Prequalified Vendors table in the mayoral memorandum. However, OCA was not able to verify the SBE designation via a search on the Business Management Workforce System.

Item No. 3I File No. 181460

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 BETWEEN MIAMI-DADE COUNTY AND ARCHER WESTERN CONSTRUCTION, LLC, FOR THE PROJECT ENTITLED TAMIAMI CANAL BRIDGE REPLACEMENT (PROJECT NO. 20140081, FM #416658-1), EXTENDING THE CONTRACT DURATION BY 217 NON-COMPENSABLE CALENDAR DAYS

#### ISSUE/REQUESTED ACTION

Whether the Board should authorize the County Mayor to execute Change Order No. 1 between Miami-Dade County and Archer Western Construction, LLC, for the project entitled Tamiami Canal Bridge Replacement (Project No. 20140081, FM #416658-1), extending the contract duration by 217 non-compensable calendar days.

#### APPLICABLE LEGISLATION/POLICY

Resolution No. R-337-11, adopted by the Board on May 3, 2011, approved the execution of a Memorandum of Agreement among Miami-Dade County, the Florida Department of Transportation and the City of Miami to jointly participate in the relocation of the existing Tamiami Canal/NW South River Drive Swing Bridge. http://intra/gia/matter.asp?matter=110060&file=true&yearFolder=Y2011

Resolution No. R-29-13, adopted by the Board on January 23, 1013, approved the execution of a Local Agency Program Agreement between Miami-Dade County and the Florida Department of Transportation to provide the County with funding up to \$16,000,000 for the NW South River Drive Bridge over the Tamiami Canal from NW 19<sup>th</sup> Street to NW 32<sup>nd</sup> Avenue. http://intra/gia/matter.asp?matter=122315&file=true&yearFolder=Y2012

#### 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, this project is being funded by the Building Better Communities General Obligation Bond, Road Impact Fees, and Florida Department of Transportation (FDOT) funds. A Local Agency Program Agreement between the County and FDOT was approved under Board Resolution No. R-29-13. This Change Order does not increase the contract amount.

#### **ANALYSIS**

The Tamiami Canal Bridge is a Warren Truss Span Type Swing Bridge located on NW South River Drive between NW 19<sup>th</sup> Street and NW 32<sup>nd</sup> Avenue. It is one of the oldest bridges on the Miami River System and was singled-out for inclusion in the National Register of Historic Places. Deterioration over the years from age and impacts from vessels and vehicles has resulted in structural damage. This deterioration has caused restrictions on the allowed loads on the bridge which impacts daily commerce. Additionally, the existing bridge geometry does not allow for the required hydraulic water flow or the anticipated increase in both navigational and vehicular traffic along the Tamiami Canal.

The Florida Department of Transportation (FDOT) undertook a Project Development and Environment (PD&E) Study which determined that the replacement of the existing bridge was necessary to resolve safety concerns, improve hydraulic conductivity, and meet future traffic demands. In order to fulfill the requirements of the PD&E study, the FDOT drafted a Memorandum of Agreement for both the City and County to approve.

On May 3, 2011, through the adoption of Resolution No. R-337-11, the Board approved the execution of an MOA among Miami-Dade County, the Florida Department of Transportation and the City of Miami to jointly participate in the relocation of the existing Tamiami Canal/NW South River Drive Swing Bridge, and the construction of a new single leaf bascule bridge to replace it at the present site. Pursuant to the MOA, the City of Miami was to provide the County the site for relocation of the historic bridge, spanning the South Fork of the Miami River between Fern Isle and Police Benevolent Association Park.

On January 23, 2013, through Resolution No. R-29-13, the Board approved the execution of a Local Agency Program Agreement between Miami-Dade County and the Florida Department of Transportation to provide the County with funding up to \$16,000,000 for the NW South River Drive Bridge over the Tamiami Canal from NW 19<sup>th</sup> Street to NW 32<sup>nd</sup> Avenue.

The proposed resolution seeks the Board's authorization for the County Mayor to execute Change Order No. 1 between Miami-Dade County and Archer Western Construction, LLC, for the project entitled Tamiami Canal Bridge Replacement (Project No. 20140081, FM #416658-1), extending the contract duration by 217 non-compensable calendar days. The Change Order extends the contract time by 217 non-compensable calendar days for the following reasons:

- The contract was delayed by 76 non-compensable calendar days due to necessary modifications to the bridge deck in order to provide direct connections to the main girders at eight locations;
- ➤ The contract was delayed by 70 non-compensable calendar days due to necessary revisions to the bascule leaf by adding a longitudinal brace throughout the length of the bridge, cross bracings, studs, counterweights, one additional centering device, and associated connections.
- > The contract was delayed by 55 non-compensable calendar days due to revisions to the configuration of the bridge's counterweight box;
- The contract was delayed by five non-compensable calendar days due to modifications to the trunnion anchorage and column reinforcement systems as a result of existing space constraints; and
- The contract was delayed by 11 non-compensable calendar days due to delays resulting from Hurricane Irma.

# **ADDITIONAL INFORMATION**

According to the Florida Department of State Division of Corporations website (Sunbiz.org), Archer Wester Construction, LLC, 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

Item No. 3J File No. 181592

Researcher: MF Reviewer: TD

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND MIAMI-DADE COUNTY FOR THE PAINTING OF THE TRAFFIC SIGNAL HARDWARE AND SUPPORT SYSTEMS AT THREE INTERSECTIONS WITHIN THE CITY OF MIAMI BEACH; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE SAME. SUBJECT TO THE SATISFACTION OF CERTAIN CONDITIONS

#### ISSUE/REQUESTED ACTION

Whether the Board should authorize the execution of an Intergovernmental Agreement between the City of Miami Beach and Miami-Dade County for painting traffic signal hardware and support systems at three intersections within the City of Miami Beach.

### APPLICABLE LEGISLATION/POLICY

N/A

#### 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 proposed resolution will not have a fiscal impact for the County, as the City of Miami Beach will be responsible for all installation and recurring operations and maintenance costs.

#### **ANALYSIS**

The proposed resolution seeks the Board's authorization to execute an Intergovernmental Agreement between the City of Miami Beach and Miami-Dade County for painting traffic signal hardware and support systems at three intersections within the City of Miami Beach.

The City of Miami Beach requested to paint the traffic signal support systems at three traffic signals along 11<sup>th</sup> Street at the intersections with Meridian Avenue, Euclid Avenue, and Pennsylvania Avenue.

This practice allows the County to avoid recurring repainting costs while reducing maintenance costs by servicing and reusing traffic signal equipment deemed in serviceable condition.

The Department of Transportation and Public Works (DTPW) operates and maintains a total of 4,101 traffic control devices, including 2,884 traffic signals. In order to maintain these traffic signal devices, DTPW warehouses and stocks over 13,000 parts. To avoid costly repainting, the County maintains parts in the color provided by the product manufacturer and is approved by the Federal Highway Administration's Manual on Uniform Traffic Control Devices.

The Federal Department of Transportation (FDOT) and the County have determined that the process of painting mast arms results in the steel structures having a lower resistance to corrosion and a reduced replacement cycle. Therefore, FDOT and the County have instituted a requirement that any agency wishing to paint traffic signal mast arms must enter into an agreement with the County memorializing that agency's responsibility for the structures, and the replacement should the mast arms begin to corrode or fail.

Under the terms or the proposed agreement between the City of Miami Beach and the County, the City will be allowed to paint the traffic signal mast arms and support systems along 11 <sup>th</sup> Street at Meridian Avenue, Euclid Avenue and Pennsylvania Avenue. The painting of the traffic signal mast arms and support systems will be carried out in accordance with FDOT and Miami-Dade County Public Works and Waste Management approved standards, procedures, and material requirements. The City will be responsible for the aesthetics of all the painted traffic signal mast arms and support systems, and will be required to routinely re-paint due to deterioration, graffiti, etc.; and to remove all flyers, stickers, etc. The City will be responsible for the periodic maintenance of every structure painted pursuant to this agreement.