



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

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

January 17, 2019  
9:30 A.M.  
Commission Chambers

Thomas B. Davis, Esq.  
Director, Policy and Legislation  
Office of the Commission Auditor (OCA)  
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Miami, FL 33128  
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**TPWC Meeting: Jan. 17, 2019**  
**Research Notes**

**Item No. 1G1**  
**File No. 182888**

**Researcher: LE Reviewer: TD**

ORDINANCE RELATING TO FOR-HIRE MOTOR VEHICLES; AMENDING SECTION 31-89 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING VEHICLE AGE AND INSPECTION REQUIREMENTS FOR TAXICABS; ESTABLISHING A PILOT PROGRAM FOR A SPECIFIED TIME WHICH WOULD ALLOW VEHICLES THAT ARE A CERTAIN MODEL YEAR OF AGE OR LESS TO BE OPERATED AS TAXICABS; ESTABLISHING PILOT PROGRAM ELIGIBILITY REQUIREMENTS AND EXCEPTION; PROVIDING FOR EXTENSION OF PILOT PROGRAM; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Section 31-89 of the Miami-Dade County Code to revise the vehicle age and inspection requirements for taxicabs; establish a pilot program for a specified time which would allow vehicles of a certain model year of age or less to be operated as taxicabs; establish pilot program eligibility requirements.

**APPLICABLE LEGISLATION/POLICY**

**Section 31-89 of the Miami-Dade County Code**, provides vehicles standards operating in the County.

<https://library.municode.com/fl/miami> -

[\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH31VEHI\\_ARTIILIREFREMOVE\\_S31-89VEST](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIICOOR_CH31VEHI_ARTIILIREFREMOVE_S31-89VEST)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Rebeca Sosa, District 6**

**Department/Requester: None**

This item was adopted on first reading at the December 18, 2018 BCC meeting.

**ANALYSIS**

The proposed ordinance amends Section 31-89 of the Miami-Dade County Code to revise the vehicle age and inspection requirements for taxicabs; establish a pilot program for two years which would allow vehicles of a certain model year of age or less to be operated as taxicabs and program eligibility requirements.

This item has a positive fiscal impact of an estimated \$35,000 for the Department of Transportation and Public Works (DTPW) from the inspection fees that will be generated during the pilot program. Future operational costs and additional staffing will not be needed.

The amendments to Section 31-89 will create a two year pilot program where vehicles that are 15 model years of age or less may be operated as a taxicab. In order to be eligible, the taxicab shall not have been previously used as a taxicab outside of Miami-Dade County or have a “rebuilt” or “salvage” title. Taxicabs that are one through ten model years of age must be inspected annually and taxicabs that are 11 through 15 model years of age must be inspected semi-annually.

Furthermore, if the operator has during any one-year period been found guilty of two or more violations of the vehicle standards, failed to pay or appeal two or more citations for the vehicle standard violations, or paid two or more fines for violating the vehicle standards then the vehicle operating as a taxicab shall be permanently removed from service.

The vehicle age increase will benefit the operators whose vehicles were retired after reaching the maximum allowed vehicle age, which is currently 10 model years of age, providing more opportunity to operators to be able to obtain more affordable vehicles. An increase in complaints regarding the maintenance, upkeep, or aesthetics of such vehicles by tourists or local patrons may occur which may indirectly negatively impact the hospitality industry if the item is approved.

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The table below shows the original Section 31-89 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 31-89 of the County Code	Proposed changes to Section 31-89 of the County Code
<p><b>Sec. 31-89. Vehicle standards.</b></p> <p style="text-align: center;">* * *</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 of Miami-Dade County, 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 be operated as a taxicab. Notwithstanding the foregoing, any taxicab:</p> <p>(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 fifteen (15) model years of age. Any vehicle over fifteen (15) model years of age shall not operate as a Wheelchair Accessible Cab;</p> <p>Taxicabs shall be inspected annually.</p>	<p><b>Sec. 31-89. Vehicle standards.</b></p> <p style="text-align: center;">* * *</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 of Miami-Dade County, 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 be operated as a taxicab. Notwithstanding the foregoing, any taxicab:</p> <p>(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 fifteen (15) model years of age. Any vehicle over fifteen (15) model years of age shall not operate as a Wheelchair Accessible Cab;</p> <p>Taxicabs shall be inspected annually.</p> <p>(g) &gt;&gt;<u>Notwithstanding the vehicle age limits and inspection schedules mandated by article II of this chapter, a two-year pilot program ("pilot program") is established whereby any vehicle that is 15 model years of age or less may be operated as a taxicab as provided in this subsection.</u></p> <p><u>The term of the pilot program shall be two years from the effective date of this ordinance. The Commission may by ordinance extend the duration of the pilot program if it determines that such an extension will serve the public interest. To be eligible for the pilot program, a taxicab shall:</u></p> <p>(1) <u>Not have been previously used as a taxicab outside of Miami-Dade County or have a "rebuilt" or "salvage" title; and</u></p> <p>(2) <u>Meet the following inspection schedules: a taxicab one through ten model years of age</u></p>

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shall be inspected annually; and a taxicab 11 through 15 model years of age shall be inspected semi-annually.

A vehicle operating as a taxicab shall be permanently removed from service if the operator has during any one-year period: (i) been found guilty by an administrative hearing officer of two or more violations of the vehicle standards mandated in this section; (ii) failed to pay or appeal two or more citations for violations of the vehicle standards set forth in this section within the established time; or (iii) paid two or more fines for violating the vehicle standards set forth in this section. The provisions of this subsection shall not apply to Wheelchair Accessible Cabs.<<

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**Item No. 1G2**  
**File No. 181843**

**Researcher: LE Reviewer: TD**

ORDINANCE RELATING TO CHARTER COUNTY TRANSPORTATION SURTAX; AMENDING SECTION 29-124 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; BY A TWO-THIRDS VOTE OF THE COMMISSION MEMBERSHIP, REQUIRING THE ALLOCATION OF SURTAX FUNDS FOR TRANSPORTATION AND TRANSIT PROJECTS IN UNINCORPORATED MUNICIPAL SERVICE AREA OF MIAMI-DADE COUNTY; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**ISSUE/REQUESTED ACTION**

Whether the Board should amend Section 29-124 of the Miami-Dade County Code to require the allocation of surtax funds for transportation and transit projects in unincorporated municipal service area of Miami-Dade County.

**APPLICABLE LEGISLATION/POLICY**

**Ord No. 02-116**, adopted by the Board on July 9, 2002, levies and imposes a one half of one percent Charter County Transit System Surtax on all transactions occurring in Miami-Dade County otherwise subject to the state tax imposed on sales, use, rentals, admissions, and other transactions; provides use of surtax proceeds, grants Citizen's Independent Transportation Trust certain powers over the use and expenditure of surtax proceeds.

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

**Section 29-124 of the Miami-Dade County Code** creates the special fund, provides uses of surtax proceeds, and role of Citizens' Independent Transportation Trust.

[https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR\\_CH29TA\\_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001\\_S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**PROCEDURAL HISTORY**

**Prime Sponsor: Commissioner Javier D. Souto, District 10**

**Department/Requester: None**

This item was adopted on first reading at the September 5, 2018 BCC meeting. At the TPWC meeting on November 16, 2018 it was deferred to the December 13, 2018 TPWC meeting. The item was then deferred to the January 17, 2019 TPWC meeting.

**ANALYSIS**

The proposed ordinance amends Section 29-124 of the Miami-Dade County Code, through a two-thirds vote of the BCC, to require the allocation of surtax funds for transportation and transit projects in unincorporated municipal service area of Miami-Dade County.

In FY 2017-18, the People's Transportation Plan (PTP) surtax revenue was \$275 million. Existing municipalities received over \$64 million of said amount based on a total population of 1.5 million. An estimated \$49.7 million will be allocated to provide transportation and transit services in Unincorporated Municipal Service Area (UMSA) using a proportional rate of the UMSA population (1.1 million) which does not impact the 20 percent distributed to municipalities existing prior to the PTP passage. The percentage of PTP distribution for all municipalities increases to 41.4 percent. Reallocating this amount to UMSA will reduce PTP funding available for transit services in FY 2019-20 and SMART plan support in future years.

The proposed ordinance amends Section 29-124 of the Code to reflect that beginning in FY 2019-2020, surtax funds will be allocated to UMSA in an amount no less than the amount that would have been distributed if UMSA had been an incorporated city as of November 5, 2002. The allocation will not come from surtax proceeds designated for municipalities, but rather funds designated for transit services in FY 2019-20 and the Strategic Miami Area Rapid Transit (SMART) Plan. Funds will be

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exclusively used for surtax eligible transportation and transit projects located within UMSA therefore creating more local mobility options within the area

The table below shows the original Section 29-124 of the Code of Miami-Dade County and the proposed changes. Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed.

Section 29-124 of the County Code	Proposed changes to Section 29-124 of the County Code
<p><b>Sec. 29-124. - Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.</b></p> <p>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 Transportation Planning Organization ("TPO") process or made in accordance with the procedures specified in subsection (d) of this section.</p> <p>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:</p> <p>(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.</p> <p>(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).</p> <p>(c) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs, exclusive of project</p>	<p><b>Sec. 29-124. - Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust.</b></p> <p>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 Transportation Planning Organization ("TPO") process or made in accordance with the procedures specified in subsection (d) of this section.</p> <p>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:</p> <p>(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.</p> <p>(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).</p> <p>(c) The County shall not expend more than five percent of the County's share of surtax proceeds on administrative costs, exclusive of project</p>

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<p>management and oversight for projects funded by the surtax.</p> <p>(d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five Year Implementation Plan. The Five Year Implementation Plan shall include a detailed scope of work, schedule and budget, consistent with the federal requirements for the TPO TIP and Long Range Plan, for each project included in Exhibit 1 of the People's Transportation Plan, as amended, anticipated to be implemented in whole or in part during the five year period. The Five Year Implementation Plan shall be approved by the County Commission in accordance with the procedures established in paragraph (f) of this section. The initial Five Year Implementation Plan shall be approved no later than January 1, 2011. The Five Year Implementation Plan shall be updated annually no later than January 1st of each year and shall be presented to the County Commission and posted online. The annual report shall detail the progress on each project included in the Five Year Work Plan.</p> <p>(e) The County Commission shall not delete or materially change any County project contained in the list attached as Exhibit 1 to this article nor add any project to the list or delete, materially change or add any project to the Five Year Implementation Plan except in accordance with the procedures set forth in this subsection (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 ("Trust"), which shall forward a recommendation thereon to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a reconsidered recommendation to the County Commission. The County Commission may approve, change or reject the Trust's reconsidered recommendation. A two-thirds vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust. The foregoing notwithstanding, the list of County projects contained in Exhibit 1 and the Five Year Implementation Plan may be changed as a result of</p>	<p>management and oversight for projects funded by the surtax.</p> <p>(d) The Trust shall in consultation with the Mayor recommend to the County Commission a Five Year Implementation Plan. The Five Year Implementation Plan shall include a detailed scope of work, schedule and budget, consistent with the federal requirements for the TPO TIP and Long Range Plan, for each project included in Exhibit 1 of the People's Transportation Plan, as amended, anticipated to be implemented in whole or in part during the five year period. The Five Year Implementation Plan shall be approved by the County Commission in accordance with the procedures established in paragraph (f) of this section. The initial Five Year Implementation Plan shall be approved no later than January 1, 2011. The Five Year Implementation Plan shall be updated annually no later than January 1st of each year and shall be presented to the County Commission and posted online. The annual report shall detail the progress on each project included in the Five Year Work Plan.</p> <p>(e) The County Commission shall not delete or materially change any County project contained in the list attached as Exhibit 1 to this article nor add any project to the list or delete, materially change or add any project to the Five Year Implementation Plan except in accordance with the procedures set forth in this subsection (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 ("Trust"), which shall forward a recommendation thereon to the County Commission. The County Commission may either accept or reject the Trust's recommendation. If the County Commission rejects the recommendation, the matter shall be referred back to the Trust for its reconsideration and issuance of a reconsidered recommendation to the County Commission. The County Commission may approve, change or reject the Trust's reconsidered recommendation. A two-thirds vote of the Commission membership shall be required to take action other than as contained in the reconsidered recommendation of the Trust. The foregoing notwithstanding, the list of County projects contained in Exhibit 1 and the Five Year Implementation Plan may be changed as a result of</p>	
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<p>the metropolitan planning organization process as mandated by federal and state law as applied to the TPO.</p> <p>(f) (i) 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.</p> <p>(ii) 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 (\$1,000,000.00) 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.</p>	<p>the metropolitan planning organization process as mandated by federal and state law as applied to the TPO.</p> <p>(f) (i) 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.</p> <p>(ii) 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 (\$1,000,000.00) 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.</p>	
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<p>(iii) Where no surtax proceeds are used to fund a contract eligible for award under the County Mayor's delegated authority and where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at one million dollars (\$1,000,000.00) or less, the Trust shall be provided with a Semi-Annual Report detailing all such contract awards. If the Trust takes exception with a contract award the County Mayor or County Mayor's designee will provide the Trust with any additional information necessary to resolve any outstanding issue and, if necessary and appropriate, work in collaboration with the Trust to take any corrective action that may be available.</p> <p>(iv) The Trust shall, in consultation with the County Mayor or County Mayor's designee, schedule Trust meetings monthly so as to ensure that a Trust recommendation is provided to the Commission with the Commission's agenda package.</p> <p>(g) On a quarterly basis, the Executive Director of the CITT shall submit a written report to the Commission and the Mayor of all expenditures made pursuant to Section 29-124 herein.</p> <p>(h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:</p> <p>(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;</p> <p>(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, 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</p>	<p>(iii) Where no surtax proceeds are used to fund a contract eligible for award under the County Mayor's delegated authority and where the portion procured by or on behalf of Miami-Dade Transit or for transit-related procurements is valued at one million dollars (\$1,000,000.00) or less, the Trust shall be provided with a Semi-Annual Report detailing all such contract awards. If the Trust takes exception with a contract award the County Mayor or County Mayor's designee will provide the Trust with any additional information necessary to resolve any outstanding issue and, if necessary and appropriate, work in collaboration with the Trust to take any corrective action that may be available.</p> <p>(iv) The Trust shall, in consultation with the County Mayor or County Mayor's designee, schedule Trust meetings monthly so as to ensure that a Trust recommendation is provided to the Commission with the Commission's agenda package.</p> <p>(g) On a quarterly basis, the Executive Director of the CITT shall submit a written report to the Commission and the Mayor of all expenditures made pursuant to Section 29-124 herein.</p> <p>(h) Twenty percent of surtax proceeds shall be distributed annually to those cities existing as of November 5, 2002 that meet the following conditions:</p> <p>(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;</p> <p>(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, 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</p>	
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within city boundaries and the destination is the nearest Metrorail station or South Dade Transitway bus shelter; (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; or (4) where the origination or destination of the trip is a public transit park-and-ride facility. Each city that uses surtax proceeds for on-demand transportation services shall provide an annual report to the County describing the city's implementation of the on-demand transportation services in accordance with this paragraph. 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);

(iii) Surtax proceeds distributed amongst the existing cities shall be distributed on a pro rata basis based on the ratio such city's population bears to the total population in all such cities (as adjusted annually in accordance with the Estimates of Population prepared by the Bureau of Economic and Business Research of the University of Florida) annually to those cities that continue to meet the foregoing conditions. For purposes of the foregoing, whenever an annexation occurs in an existing city, the number of persons residing in such annexed area at the time it is annexed shall be excluded from all calculations. Increases in population in areas annexed over and above the population in such area at the time of annexation which occur after annexation shall be included in subsequent years' calculations; and

(iv) That do not expend more than 5% of its municipal share of surtax proceeds on administrative costs, exclusive of project management and oversight for projects funded by the surtax. Administrative costs shall be defined as overhead expenses which are not readily attributable

within city boundaries and the destination is the nearest Metrorail station or South Dade Transitway bus shelter; (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; or (4) where the origination or destination of the trip is a public transit park-and-ride facility. Each city that uses surtax proceeds for on-demand transportation services shall provide an annual report to the County describing the city's implementation of the on-demand transportation services in accordance with this paragraph. 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);

(iii) Surtax proceeds distributed amongst the existing cities shall be distributed on a pro rata basis based on the ratio such city's population bears to the total population in all such cities (as adjusted annually in accordance with the Estimates of Population prepared by the Bureau of Economic and Business Research of the University of Florida) annually to those cities that continue to meet the foregoing conditions. For purposes of the foregoing, whenever an annexation occurs in an existing city, the number of persons residing in such annexed area at the time it is annexed shall be excluded from all calculations. Increases in population in areas annexed over and above the population in such area at the time of annexation which occur after annexation shall be included in subsequent years' calculations; and

(iv) That do not expend more than 5% of its municipal share of surtax proceeds on administrative costs, exclusive of project management and oversight for projects funded by the surtax. Administrative costs shall be defined as overhead expenses which are not readily attributable

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to any one particular project funded in whole or in part by transit surtax funds.

(i) Newly incorporated municipalities shall have the right to negotiate with the County for a pro rata share of the sales surtax, taking into consideration the neighborhood and municipal projects identified in Exhibit 1, as amended, within the boundaries of the new municipalities. The preceding sentence shall not affect the twenty (20) percent share provided herein for municipalities existing on November 5, 2002.

to any one particular project funded in whole or in part by transit surtax funds.

(i) Newly incorporated municipalities shall have the right to negotiate with the County for a pro rata share of the sales surtax, taking into consideration the neighborhood and municipal projects identified in Exhibit 1, as amended, within the boundaries of the new municipalities. The preceding sentence shall not affect the twenty (20) percent share provided herein for municipalities existing on November 5, 2002.

>>(j) On an annual basis beginning in Fiscal Year (2019-2020, surtax proceeds shall be allocated to the Unincorporated Municipal Service Area ("UMSA") in an amount no less than the amount that would have been distributed to UMSA has UMSA been an incorporated city as of November 5, 2002. Said allocation for UMSA shall not come from surtax proceeds designated for municipalities. Such surtax proceeds must be exclusively used for surtax eligible transportation and transit projects within UMSA. <<

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**Item No. 3A**  
**File No. 183015**

**Researcher: MF Reviewer: TD**

RESOLUTION DECLARING AS SURPLUS 227 SQUARE FEET OF COUNTY-OWNED REAL PROPERTY LOCATED AT THE SOUTHEAST CORNER OF 700 NORTH HOMESTEAD BLVD., HOMESTEAD, FLORIDA; AUTHORIZING THE CONVEYANCE OF SAME TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR ROADWAY EXPANSION IN ACCORDANCE WITH FLORIDA STATUTES SECTION 125.38 FOR NO MONETARY CONSIDERATION SUBJECT TO CERTAIN CONDITIONS; WAIVING ADMINISTRATIVE ORDER 8-4 AS IT RELATES TO REVIEW BY THE PLANNING ADVISORY BOARD; AUTHORIZING THE CHAIRPERSON OR VICE-CHAIRPERSON OF THE BOARD TO EXECUTE A COUNTY DEED FOR SUCH PURPOSE; AND DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO TAKE ALL NECESSARY STEPS TO ACCOMPLISH THE CONVEYANCE OF SAID PROPERTY

**ISSUE/REQUESTED ACTION**

Whether the Board should declare surplus 227 square feet of County-owned real property located at the southeast corner of 700 North Homestead Blvd., referred to as Parcel 121; and whether the Board should authorize the conveyance of this property to the Florida Department of Transportation (FDOT) for roadway expansion in accordance with Florida Statutes Section 125.38 for no monetary consideration and subject to certain conditions.

**APPLICABLE LEGISLATION/POLICY**

**Florida Statutes, Section 125.38** governs the sale of county property to the United States, or State. It provides that "[i]f the United States, or any department or agency thereof, the State or any political subdivision or agency thereof, or any municipality of this State, or corporation or other organization not for profit which may be organized for the purposes of promoting community interest and welfare, should desire any real or personal property that may be owned by and County of the State or by its board of county commissioners, for public or community interest and welfare, then the United States, or any department or agency thereof, State or such political subdivision, agency., municipality, corporation or organization may apply to the board of county commissioners for a conveyance or lease of such property.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0100-0199/0125/Sections/0125.38.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0125/Sections/0125.38.html)

**Administrative Order No. 8-4** provides that the authority to sell, lease or otherwise dispose of County-owned real property lies solely with the Board of County Commissioners. Before action is taken on any proposed sale or lease of County-owned real property, unless expressly excluded in the policy, a recommendation will be requested from the Planning Advisory Board, to indicate whether such proposal is in the public interest and also recommending proper land use classification, if applicable.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO8-4.pdf>

**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>

**Resolution No. R-380-17**, adopted on April 4, 2017, requires that the County Mayor or County Mayor's designee provide written notification to District Commissioners in which County-owned property lies no less than four weeks prior to (1) any issuance of a request for proposal or expression of interest regarding the sale, lease, or development of such property or (2) placing any item on the agenda of the Board or any committee of the Board requesting the approval, sale, lease, or surplus of County-owned property.

<http://intra/gia/matter.asp?matter=170414&file=true&yearFolder=Y2017>

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**Resolution No. R-333-15**, adopted by the Board on April 21, 2015, established a County policy to require disclosure of market-value or market rental in legislative items authorizing conveyance or lease of County-owned property to promote public disclosure and fiscal responsibility.

<http://intra/gia/matter.asp?matter=150446&file=true&yearFolder=Y2015>

**PROCEDURAL HISTORY**

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

**Department/Requester: Internal Services**

The proposed resolution has no procedural history.

**ANALYSIS**

The proposed resolution requests that the Board declare as surplus 227 square feet of County-owned real property located at the southeast corner of 700 North Homestead Blvd., referred to as Parcel 121.

The proposed resolution also seeks the Board's authorization for the conveyance of this property to the Florida Department of Transportation (FDOT) for roadway expansion in accordance with Florida Statutes Section 125.38 for no monetary consideration. This conveyance is subject to restrictions that the property will be used for transportation purposes and subject to and contingent upon the recordation of the Release prior to the recordation of the County Deed.

Finally, the proposed resolution requests the Board to waive Administrative Order 8-4 as it relates to the review by the County's Planning Advisory Board. The Planning Advisory Board does not have jurisdiction in this matter because the property is located in the City of Homestead.

On June 1, 2017, the Florida Department of Transportation (FDOT) sent a letter to the Director of the Miami-Dade County Public Library System requesting the donation of the property located at the southeast corner of 700 North Homestead Blvd., referred to as Parcel 121. This property is part of a larger parcel of land under the jurisdiction of the Miami-Dade Public Library System.

According to the FDOT letter, the department is planning roadway improvements for SW 312 Street/Campbell Drive and US 1/South Dixie Highway. Along Campbell Drive, the project limit extends from NW 1<sup>st</sup> Avenue to NE 12<sup>th</sup> Avenue. Along US 1, the project limits extend from NE 6<sup>th</sup> Avenue to NE 11<sup>th</sup> Street. The project consists of providing two 11-foot through lanes in each direction, upgrading existing traffic and pedestrian signals to current standards, repaving and restriping the roadway and installing new drainage and lighting.

The City of Homestead conveyed the library site to the County on January 14, 1977, subject to a reversionary interest in the property. The original conveyance states that in the event the property is abandoned as the site of a public library under the control of the County, title to the property will revert to the City of Homestead. The City of Homestead has executed a release of reversionary interest in Parcel 121, which will be recorded together with, but prior to the recording of the County Deed.

According to the Fiscal Impact Statement, the conveyance of Parcel 121 will eliminate the County's obligation to maintain the property, which is approximately \$350 annually.

Below is an aerial view of the property located at 700 Homestead Blvd.:



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**Item No. 3B**

**File No. 182992**

**Researcher: PGE Reviewer: TD**

RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY UNDER CONTRACT NO. RFP-00725(1) FOR THE PURCHASE OF METRORAIL CENTRAL CONTROL UPGRADE FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS IN A TOTAL AMOUNT UP TO \$403,000.00 FOR THE OPTION TO RENEW PERIODS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize additional expenditure authority in an amount of up to \$403,000 for *Contract No. RFP-00725(1)* for the purchase of Metrorail Central Control upgrades for the Transportation and Public Works Department (DTPW).

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.1 of the County Code** requires formal sealed bids for all contracts and purchases when the transaction involves the expenditure of \$250,000 or more, except that the Board of County Commissioners, upon written recommendation of the Mayor or Mayor's designee, may, by resolution adopted by two-thirds vote of the members present, waive competitive bidding when it finds this is to be in the best interest of the County.

[https://library.municode.com/fl/miami-dade-county/codes/code\\_of\\_ordinances?nodeId=PTIIICOR\\_CH2AD\\_ARTIINGE\\_S2-8.1COPUGE](https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

**Section 29-124(f) of the County Code** 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 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.

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

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

<http://www.miamidade.gov/govaction/matter.asp?matter=120287&file=true&fileAnalysis=false&yearFolder=Y2012>

**Resolution No. R-955-11**, adopted by the Board on November 15, 2011, approved award of *Contract No. 725* to B&C Transit, Inc. for Metrorail Control Center Upgrades for a term of 30 months, including a three-year warranty period plus two, five-year options to renew in an amount of \$15,917,956.

<http://intra/gia/matter.asp?matter=112195&file=true&yearFolder=Y2011>

**Implementing Order 3-38** sets forth the County's policy and procedures for the procurement of goods and services. The I.O. references the obligations and responsibilities of the Internal Services Department; the authority to award; and

the requirements for access contracts, emergency purchases, bid waivers, confirmation purchases and sole sources. An emergency purchase is an unforeseen or unanticipated urgent and immediate need for goods or services where the protection



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of life, health, safety or welfare of the community or the preservation of public properties would not be possible using any of the other purchasing methods described in the Implementing Order.

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

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

**Department/Requester: Internal Services Department**

The item has no procedural history.

**ANALYSIS**

This item is requesting that the Board authorize increased spending to *Contract No. RFP-725(1), Metrorail Central Control Upgrade*, in the amount of \$403,000 for DTPW. The additional expenditure will be used to purchase an extended warranty option for three years, including a 10 percent bond. Pursuant to Resolution No. R-955-11, on November 15, 2011, the Board authorized execution of an agreement in the amount of \$15,917,956 with B&C Transit, Inc. to provide Metrorail Control Center upgrade services. The contract provides for a term of 30 months for completion of the upgrades, a three-year warranty period and two, five-year options to renew. The scope of work under the contract is the modernization of the Central Control facility and systems, including servers, workstations, fire suppression, telephony, electrical, hardware, software design, construction and HVAC.

The contract, which expires on December 31, 2023, is in its first option term. The contract's cumulative value is \$17,329,218, reflecting modifications during the initial term. Note that no funds have been allocated to the contract's Blanket Purchase Order for the option term. Approval of this modification request would result in a modified cumulative allocation of \$17,733,000. The additional allocation requested will be used to cover the cost of the three-year extended warranty option as well as for a three-year warranty bond.

Under Resolution No. R-955-11, B&C Transit, Inc. is required to furnish a performance bond of 100 percent as well as a warranty bond in the amount of 10 percent of the contract value for the three-year warranty period. The resolution also stipulates that no additional funds are included for the option terms as the County will own the source code and provide its own maintenance and support for the software.

The mayoral memorandum states that the cost of the extended warranty was not included in the contract award approved by the Board for the Central Control upgrades. Section 5.2.14 of the contract sets forth the Extended Warranty provision, which states that the County may elect to purchase an extended warranty beyond the initial three-year warranty. The three-year extended warranty will provide for continuity of warranty coverage beyond the expiration of coverage provided under the three-year warranty requirements for each equipment type. The extended warranty does not include normal wear and tear, parts and standard, preventative maintenance items.

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**Item No. 3C**

**File No. 182826**

**Researcher: MF Reviewer: TD**

RESOLUTION APPROVING A STATE-FUNDED GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY, THE TOWN OF MIAMI LAKES, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE TOWN OF MIAMI LAKES WITH FUNDING IN THE AMOUNT OF \$1,140,500.00 IN COUNTY INCENTIVE GRANT PROGRAM FUNDS FOR THE NW 59 AVENUE ROADWAY EXTENSION AND REDEVELOPMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve a State-funded Grant Agreement between Miami-Dade County, the Town of Miami Lakes, and the Florida Department of Transportation to provide the Town of Miami Lakes with funding in the amount of \$1,140,500.00 in County Incentive Grant Program Funds for the NW 59<sup>th</sup> Avenue Roadway extension and re-development.

**APPLICABLE LEGISLATION/POLICY**

Florida Statutes, Section 339.2817 created the County Incentive Grant Program for the purpose of providing grants to counties, to improve a transportation facility which is located on the State Highway System or which relieves traffic congestion on the State Highway System.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&Search\\_String=&URL=0300-0399/0339/Sections/0339.2817.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0339/Sections/0339.2817.html)

**PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

The proposed resolution has no procedural history.

**ANALYSIS**

The proposed resolution seeks the Board's approval of a State-funded Grant Agreement between Miami-Dade County, the Town of Miami Lakes, and the Florida Department of Transportation to provide the Town of Miami Lakes with funding in the amount of \$1,140,500.00 in County Incentive Grant Program (CIGP) Funds for the NW 59<sup>th</sup> Avenue Roadway extension and re-development.

The CIGP provides grants to counties to improve transportation facilities located on the State Highway System or which relieves traffic congestion on the State Highway System. To be eligible for consideration, projects must be consistent, to the maximum extent feasible, with local metropolitan planning organization plans and local government comprehensive plans. A municipality may apply to the County in which the municipality is located for consideration for funding of any project or project phase of a transportation located on the State Highway System, or which is demonstrated to relieve congestion on the State Highway System.

The NW 59<sup>th</sup> Avenue Roadway Extension and Re-development Project will construct a new roadway connection (bridge) in the northeast sectional quadrant of the Town of Miami Lakes, which will extend NW 59<sup>th</sup> Avenue south to connect to NW 151<sup>st</sup> Street to provide new access to the industrial and commercial district located on and surrounding NW 59<sup>th</sup> Avenue, and provide traffic congestion relief on SR 823/NW 57<sup>th</sup> Avenue (Red Road).

The project includes the purchase of a parcel from the Miami-Dade Aviation Department, purchase of the roadway connection point on NW 151<sup>st</sup> Street, the design and construction of a bridge and new roadway, and the incorporation of Complete Streets elements on the NW 59<sup>th</sup> Avenue Extension (bridge), including 11 ft. travel lanes, 6 ft. bike lanes, and 8 ft. sidewalks, which will be separated from the roadway by a 5 ft. swale. The project also includes conceptual design for whole street concept and

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Construction Drawings for Complete Streets components and permitting on the NW 151<sup>st</sup> Street/NW 153<sup>rd</sup> Street Corridor. This project will encourage the use of local mobility options and provide new and improved public access that will facilitate traffic congestion relief on the State Highway System.

As stated above, under the guidelines of the COGP, this Agreement is required to be approved by the County. By executing this Agreement, the County assigns all of its interests and obligations under this Agreement to the Town of Miami Lakes. On May 1, 2018, the Town Council approved this Agreement by adopting Resolution No. 18-1534.

According to the Fiscal Impact Statement, the total cost of the project is \$2,281,000.00. The Florida Department of Transportation has programmed County Incentive Grant Program funding for this project in the amount of \$1,140,500.00. The Town of Miami Lakes will provide the additional \$1,140,500.00 as a local match. No County funds are required for this project.

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**Item No. 3D**

**File No. 182895**

**Researcher: PGE Reviewer: TD**

RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$2,284,315.62 BETWEEN GANNETT FLEMING, INC. AND MIAMI-DADE COUNTY FOR DESIGN SERVICES FOR THE PROJECT ENTITLED ROADWAY IMPROVEMENTS TO NW 25 STREET FROM NW 117 AVENUE TO NW 87 AVENUE (PROJECT NO. E15-PWWM-11), LOCATED WITHIN COMMISSION DISTRICT 12

**ISSUE/REQUESTED ACTION**

Whether the Board should approve the Professional Services Agreement (PSA), *Project No. E15-PWWM-11*, between the County and Gannett Fleming, Inc. for design services for roadway improvements to NW 25 Street from NW 117 Avenue to NW 87 Avenue in the amount of \$2,284,315.62 for a term of three years, including 365 days for post-design services during construction.

**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](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\\_-](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

[\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4ACPRARENLAARLASUMASE](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\\_-](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4.01SMBUENARENPR)

[\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4.01SMBUENARENPR](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\\_-](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.1COPUGE)

[\\_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 2-8.3 of the County Code** (County Mayor's Recommendation) states 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\\_-](https://library.municode.com/fl/miami_-dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-8.3MARE)

[\\_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)

**Implementing Order No. 3-34** establishes procedures for the formation and performance of selection committees in the competitive procurement process, including competitive selection committees utilized in the acquisition of architectural and engineering professional services.

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<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-34.pdf>

**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>

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

<http://intra/gia/matter.asp?matter=120287&file=true&yearFolder=Y2012>

**Resolution No. R-421-16**, adopted by the Board on May 17, 2016, requires (1) the County Mayor to attach to all items recommending design and/or construction contract awards of \$1,000,000 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor's work; and (2) all County departments to complete contractor evaluations before closing out a contract and making final payment to a contractor.

<http://www.miamidade.gov/govaction/matter.asp?matter=160124&file=true&fileAnalysis=false&yearFolder=Y2016>

**Ordinance No. 14-79**, adopted by the Board on September 3, 2014, requires that all agenda items related to planning, design and construction of County infrastructure include a statement that the impact of sea level rise has been considered.

<http://intra/gia/matter.asp?matter=141211&file=true&yearFolder=Y2014>

### **PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

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

This item has no procedural history.

### **ANALYSIS**

This item is requesting Board approval to award a PSA to Gannett Fleming, Inc. for roadway improvements to NW 25 Street from NW 117 Avenue to NW 87 Avenue in an amount of \$2,284,315.62 for a term of three years, including 365 days for post-design services during construction. The life expectancy of the completed project is approximately 25 years.

The Notice to Professional Consultants (NTPC) for this PSA was issued on May 24, 2016. Eight proposals were received in response to the NTPC. A First-Tier meeting was held on August 23, 2016, wherein the Competitive Selection Committee reviewed the proposals. Upon conclusion of the scoring phase, Gannett Fleming, Inc. was the top-ranked firm. During October and November of calendar year 2016, a total of three negotiation meetings were held with Gannett Fleming. The mayoral memorandum indicates that the project was placed on hold to evaluate the feasibility of implementing reversible lanes along the corridor. The study concluded that the concept was not feasible.

The project is located in District 12, which is represented by Commissioner Jose "Pepe" Diaz. The contract's scope of work is for the awardee to provide professional engineering design services and complete construction plans. The services shall be delivered in three phases – Master Plan, Design and Construction. The Master Plan phase requires the awardee to prepare a Master Plan containing recommendations for roadway "typical sections" and alignment, drainage system, point of intersection to adjacent roadway and public involvement. The Design phase requires the awardee to prepare preliminary engineering data, including drawings, and complete construction plans to be used for the receipt of bids; such plans shall include the development of design criteria for the reconstruction of the existing road from a four-lane road to a six-lane road with raised median, sidewalk on the south side, and bicycle/pedestrian path on the north side of the roadway with appropriate structural supporting system. Under the construction phase, the awardee provides periodic general engineering consultation and advice as well as post-design services.

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The total compensation for all costs associated with accomplishing the work under the agreement is \$2,051,650.56 and is broken down as follows: (1) Master Plan Phase fees of \$38,475; (2) Design Phase fees of \$1,809,463.75; and (3) Construction Phase fees of \$203,711.81. There is a contingency account totaling \$207,665.06 and other costs totaling \$25,000 (i.e., fees for printing and reproduction and the Public Involvement Plan). Accordingly, the total project cost under the PSA is \$2,284,315.62. Note that the project includes a 30 percent goal under the SBE/AE program. The work distribution among the recommended subconsultants to achieve that goal is unclear in the mayoral memorandum.

Gannett Fleming, Inc. is an active foreign for-profit corporation, per sunbiz.org, the official State of Florida, Division of Corporations website. Based on information found on the website of the Florida Department of Business and Professional Regulation, the firm's qualifiers are all active, licensed professional engineers. Lastly, per information found in the Capital Improvements Information System on January 16, 2019, Gannett Fleming, Inc. has nine evaluations on record with an average evaluation score of 3.7 out of a possible 4.0.

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**Research Notes**

**Item No. 3E**

**File No. 182896**

**Researcher: MF Reviewer: TD**

RESOLUTION APPROVING AN INTERLOCAL AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF MIAMI FOR THE IMPLEMENTATION OF THE CITY'S CAPITAL IMPROVEMENT PROJECT, METROMOVER PARKWAY NO. 40-B30407, BY PROVIDING FOR THE RECONSTRUCTION OF A PORTION OF AN EXISTING PATHWAY ALONG THE COUNTY'S METROMOVER GUIDEWAY CORRIDOR BETWEEN NORTHEAST 2ND STREET AND NE 3RD STREET EAST OF NORTHEAST 2ND AVENUE, MIAMI, FLORIDA AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL PROVISIONS THEREIN

**ISSUE/REQUESTED ACTION**

Whether the Board should approve an Interlocal Agreement between Miami-Dade County and the City of Miami for the implementation of the City's Capital Improvement Project, Metromover Parkway No. 40-B30407, by providing for the reconstruction of a portion of an existing pathway along the County's Metromover Guideway Corridor between NE 2<sup>nd</sup> Street and NE 3<sup>rd</sup> Street east of NE 2<sup>nd</sup> Avenue.

**APPLICABLE LEGISLATION/POLICY**

**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: Commissioner Eileen Higgins, District 5**

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

The proposed resolution has no procedural history.

**ANALYSIS**

The City of Miami wishes to provide pedestrian pathways throughout the municipal limits of the City within the County. The County operates a Metromover Guideway Corridor that contains an existing pedestrian pathway that could benefit from the City's improvement. The City and the County both wish to enhance this existing pedestrian pathway, and have determined that this project is of a mutual benefit to the residents of the City of Miami and the County.

The City of Miami chose this Metromover site project because of the deteriorated condition of the existing path. The City obtained the funding for this project from a special grant, as part of its Downtown Miami Greenway Initiative. The City applied for and was awarded grant funds from In Our Backyards, Inc., in the amount of \$24,000.00.

This project will create a friendly curvilinear path approximately 10 feet wide instead of the straight path through the corridor. The City will be responsible for the design, construction, management, and administration of the project. The City of Miami has secured engineering design and consulting services from qualified firms, pursuant to Section 287.005 of the Florida Statutes, to develop the construction plans, technical specifications, special provisions, pay items, and cost estimates for the project in accordance with City, County and Florida Department of Transportation standards.

The City of Miami Board of Commissioners approved this Agreement at their board meeting on April 16, 2018.

The proposed resolution seeks the Board's approval of an Interlocal Agreement between Miami-Dade County and the City of Miami for the implementation of the City's Capital Improvement Project, Metromover Parkway No. 40-B30407, by providing

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for the reconstruction of a portion of an existing pathway along the County's Metromover Guideway Corridor between NE 2<sup>nd</sup> Street and NE 3<sup>rd</sup> Street east of NE 2<sup>nd</sup> Avenue.

According to the Fiscal Impact Statement, this Agreement will result in a fiscal impact of \$2,000 a year to the County for operation and maintenance. The cost for the improvements will be covered by the City of Miami.



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**Item No. 3F**

**File No. 182905**

**Researcher: IL    Reviewer: TD**

RESOLUTION APPROVING AWARD OF A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$519,970.45 TO KIMLEY-HORN AND ASSOCIATES, INC. FOR DESIGN SERVICES FOR THE PROJECT ENTITLED ROADWAY IMPROVEMENTS TO SW 157 AVENUE FROM SW 42 STREET TO SW 26 STREET (PROJECT NO. E18-DTPW-06), LOCATED WITHIN COMMISSION DISTRICT 11

**ISSUE/REQUESTED ACTION**

Whether the Board should award a Professional Services Agreement between the County and Kimley-Horn and Associates, Inc., for the project entitled "Roadway Improvements to SW 157 Avenue from SW 42 street to SW 26 Street Avenue in the amount of \$519,970.45 for a term of three years for the Department of Transportation and Public Works (DTPW).

**APPLICABLE LEGISLATION/POLICY**

**Chapter 287 of the Florida Statutes**, Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties, will govern how each agency shall publicly announce, in a uniform and consistent manner, each occasion when professional services must be purchased for a project the basic construction cost of which is estimated by the agency to exceed the threshold amount provided in s. [287.017](#) for CATEGORY FIVE or for a planning or study activity when the fee for professional services exceeds the threshold amount provided in s. [287.017](#) for CATEGORY TWO, except in cases of valid public emergencies certified by the agency head. The public notice must include a general description of the project and must indicate how interested consultants may apply for consideration.

[http://www.leg.state.fl.us/Statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0200-0299/0287/Sections/0287.055.html](http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0200-0299/0287/Sections/0287.055.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=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)

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

**Section 2-10.4 of the County Code** provides, the rules and regulations associated with the procurement of professional, architectural, engineering, landscape architectural or land surveying and mapping services. Requires a public announcement, submission of qualifications, certification committee, competitive selection committee, and competitive negotiations.

[https://library.municode.com/fl/miami\\_dade\\_county/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH2AD\\_ARTIINGE\\_S2-10.4ACPRARENLAARLASUMASE](https://library.municode.com/fl/miami_dade_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE)

**Ordinance 14-79 (Sea Level Rise)**, adopted on September 3, 2014, amending Section 2-1 of the Code of Miami-Dade County, Florida, to require that in all agenda items related to planning, design and construction of County infrastructure a statement be included that the impact of sea level rise has been considered; providing severability, inclusion in the code, and an effective date.

<http://www.miamidade.gov/govaction/matter.asp?matter=141211&file=true&fileAnalysis=false&yearFolder=Y2014>

**Resolution No. R-1001-15**, adopted by the Board on November 3, 2015, requires contracts with small business measures to meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment be considered for Board approval.

<http://intra/gia/matter.asp?matter=151746&file=true&yearFolder=Y2015>

**Resolution No. R-525-17**, adopted by the Board on May 2, 2017, amended Resolution No. R-1001-15 to except non-compensatory time extensions from the requirement that contracts with small business measures meet at least 85 percent of

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the small business goals applicable to the portion of the contract work performed to date before a change order or contract amendment be considered for Board or mayoral approval.

<http://intra/gia/matter.asp?matter=170595&file=true&yearFolder=Y2017>

**Resolution No. R-796-16**, adopted by the Board on September 7, 2016, approved a contract in the amount of \$4,932,632.41 to H & R Paving, Inc. for the project entitled “Roadway Improvements along SW 152 Street from SW 157 Avenue to SW 147 Avenue.”

<http://intra/gia/matter.asp?matter=161521&file=true&yearFolder=Y2016>

**Resolution No. R-421-16**, adopted by the Board on May 17, 2016, requires (1) the County Mayor to attach to all items recommending design and/or construction contract awards of \$1,000,000 or greater a list of all County contracts awarded in the previous three years to the recommended contractor and a summary of County evaluations of the recommended contractor’s work; and (2) all County departments to complete contractor evaluations before closing out a contract and making final payment to a contractor.

<http://www.miamidade.gov/govaction/matter.asp?matter=160124&file=true&fileAnalysis=false&yearFolder=Y2016>

**Administrative Order No. 3-39** sets forth the County’s standard process for 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 (I.O.) 3-32**, (Small Business Enterprise Architecture And Engineering Program): It is the policy of Miami-Dade County that not less than 10% of the County’s total annual expenditures of all project specific contracts for professional architectural, landscape architectural, engineering, and surveying and mapping services, shall be expended with CBE-A/E’s certified under the CBE-A/E ordinance.

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

### **PROCEDURAL HISTORY**

**Prime Sponsor: None**

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

**There is no procedural history for this item at this time.**

### **ANALYSIS**

This item is requesting Board award a Professional Services Agreement between the County and Kimley-Horn and Associates, Inc., for the project entitled “Roadway Improvements to SW 157 Avenue from SW 42 street to SW 26 Street Avenue in the amount of \$519,970.45 for a term of three years for the Department of Transportation and Public Works (DTPW). The project is located in Commission District 11, represented by Commissioners Joe A. Martinez.

The fiscal impact of this project is \$519,970.45 to be funded through the Road Impact Fee District 4. Any other applicable fund source can subsidize this contract with the exception of funds from the Peoples Transportation Plan. Once the project is constructed the estimated annual operation maintenance costs are approximately \$16,700 and \$19,700.

The work consists of design and post-design services in the preparation of construction documents to include:

- A. Master planning
- B. Traffic study
- C. Public involvement

The intent is to widen the road from the current 2 -lane distribution to 4-lane roadway and include new raised landscape medians, bike lanes, sidewalks, curb and gutters, storm drainage system, pavement markings and signage, intersection and signalization improvements, and roadway lighting.

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The Notice to Professional Consultants (NTPC) was advertised on March 29, 2018. Nine proposals were received in response to the solicitation from the following firms R.J. Behar & Company, Inc., HBC Engineering Company, T.Y. Lin International, SRS Engineering, Inc., Wantman Group, Inc., Louis Berger, U.S., Inc., A&P Consulting Transportation Engineers, Corp., New Millenium Design Consultants, Inc., and Kimley-Horn and Associates, Inc.

The First Tier meeting was held on June 12, 2018 below are the rankings by the competitive selection committee (CSC) of the 9 firms.

<b>Firm</b>	<b>Score</b>	<b>Final Rank</b>
Kimley-Horn and Associates, Inc.	268	1
A&P Consulting Transportation Engineers, Corp	258	2
Wantman Group, Inc	263	3
Louis Berger, U.S., Inc	259	
New Millenium Design Consultants, Inc.	255	5
T.Y. Lin International	255	6
SRS Engineering, Inc	258	7
R.J. Behar & Company, Inc	252	8
HBC Engineering Company	243	9

The small business measure applicable to the contract is a SBE/ A&E of 20 percent.

SBE/A&E firms authorized under the agreement are: CALTRAN Engineering Group, Inc., Ribbeck Engineering, Inc., and Geosol, Inc.

The Division of Policy and Legislation of OCA conducted a review of the technical certifications associated with the project on the Business Management Workforce System (BMWS) on January 15, 2019 and found the following: (See the table below)

<b>Prime/Other</b>	<b>Code</b>	<b>Description</b>	<b>Amount of SBE A/E firms identified in BMWS</b>
Prime	3.02	Highway Systems – Major Highway Design	35 SBE A/E Firms were identified
Prime	10.01	Environment Engineering – Stormwater Drainage Design Engineering Services	51 SBE A/E Firms were identified
Other	3.04	Highway Systems- Traffic Engineering Studies	15 SBE A/E Firms were identified
Other	3.05	Highway Systems – Traffic Counts	9 SBE A/E Firms were identified
Other	3.09	Highway Systems – Signing, Pavement Marking, and Channelization	46 SBE A/E Firms were identified
Other	9.02	Soils, Foundations and Materials Testing –	11 SBE A/E Firms were identified

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		Geotechnical and Materials Engineering Services	
Other	3.11	Highway Systems - Signalization	23 SBE A/E/ Firms were identified
Other	3.10	Highway Systems - Lighting	20 SBE A/E Firms were identified

Pursuant to Resolution No. R-421-16, a Performance Record verification was conducted by OCA in the Capital Improvements Information System (CIIS) on January 11 2019. There are 29 performance evaluations in the Capital Improvements Information Systems Database for Kimley-Horn and Associates, Inc., yielding an average evaluation rating of 3.6 out of 4.0.

**ADDITIONAL INFORMATION**

Kimley Horn-Associates, Inc., was recently awarded a contract with Broward County for design related services to a six lane roadway construction project ((RFP# R2113749P1). The multiplier rates negotiated by Miami-Dade County were lower (2.85 for office personnel, 2.20 field personnel) than the ones negotiated by Broward County (2.99).

[http://cragenda.broward.org/docs/2017/CCCM/20171107\\_550/25136\\_Exhibit%20%20-%20Agreement.pdf](http://cragenda.broward.org/docs/2017/CCCM/20171107_550/25136_Exhibit%20%20-%20Agreement.pdf)

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**Item No. 3G**  
**File No. 182906**

**Researcher: IL   Reviewer: TD**

RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION & PUBLIC WORKS TO SECURE INDEPENDENT, CERTIFIED REAL PROPERTY APPRAISERS TO PERFORM REAL PROPERTY APPRAISALS ON AN AS-NEEDED BASIS, IN ACCORDANCE WITH ESTABLISHED COUNTY APPRAISER SELECTION PROCEDURES, IN AN AMOUNT NOT TO EXCEED A BLANKET AMOUNT OF \$150,000.00

**ISSUE/REQUESTED ACTION**

Whether the Board should authorize the Department of Transportation & Public Works (DTPW) to secure an independent, certified real property appraisers to perform real property appraisals on as-needed basis, in accordance with established County Appraiser selection procedures, in an amount not to exceed a blanket amount of \$150,000.00.

**APPLICABLE LEGISLATION/POLICY**

**Section 2-8.3 of the County Code** (Manager's recommendation), allows the County Mayor to review the responses to solicitations and recommend to the Board of County Commissioners 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-245-07**, adopted by the Board on March 6, 2017, authorizing the Miami-Dade Public Works Department to secure independent, certified property appraisers to perform property appraisals on an as-needed basis, in accordance with established County appraiser selection procedures, in an amount not to exceed a blanket amount of \$100,000.00

<http://www.miamidade.gov/govaction/matter.asp?matter=070380&file=true&fileAnalysis=false&yearFolder=Y2007>

**Resolution No. R-671-14**, adopted by the Board on July 15, 2014, authorizing Miami-Dade County Water and Sewer Department to secure independent, certified property appraisers holding member appraisal institute or accredited senior appraiser, American Society of appraisers designation, to perform property appraisals on an as-needed basis in accordance with established County appraiser selection procedures, in an amount not to exceed a blanket amount of \$100,000.00

<http://www.miamidade.gov/govaction/matter.asp?matter=141391&file=true&fileAnalysis=false&yearFolder=Y2014>

**Resolution No. R-797-00**, adopted by the Board on July 25, 2000, authorizing the selection and employment of appraisers to perform appraisals on an as needed basis by general services administration for various County departments, in an amount not to exceed \$50,000 per year

<http://www.miamidade.gov/govaction/matter.asp?matter=001747&file=false&fileAnalysis=false&yearFolder=Y2000>

**Resolution No. R-972-07**, adopted by the Board on September 4, 2007, authorizing Miami-Dade Transit (MDT) to secure independent, certified (MAI, ASA) real property appraisers to perform real property appraisals on an as-needed basis, in accordance with established county appraiser selection procedures, in an amount not to exceed a blanket amount of \$100,000

<http://www.miamidade.gov/govaction/matter.asp?matter=072077&file=true&fileAnalysis=false&yearFolder=Y2007>

**Resolution No. R-318-07**, adopted by the Board on March 8, 2007, authorizing Miami-Dade Transit (MDT) to secure independent, certified (MAI, ASA) real property appraisers to perform real property appraisals on an as-needed basis, in accordance with established county appraiser selection procedures, in an amount not to exceed a blanket amount of \$85,000

<http://www.miamidade.gov/govaction/matter.asp?matter=070279&file=true&fileAnalysis=false&yearFolder=Y2007>

**Resolution No. R-564-04**, adopted by the Board on May 11, 2004, authorizing Miami-Dade Transit to secure independent, certified (MAI, ASA) property appraisers to perform property appraisals on an as-needed basis, in accordance with established County appraiser selection procedures, in an amount not to exceed a blanket amount of \$75,000.00

<http://www.miamidade.gov/govaction/matter.asp?matter=040911&file=true&fileAnalysis=false&yearFolder=Y2004>

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**Resolution No. R-960-03**, adopted by the Board on June 27, 2003, authorizing the office of Public Transportation Management to secure independent, certified (MAI, ASA) property appraisers, to perform property appraisals on an as-needed basis, in accordance with established County appraiser selection procedures, in an amount not to exceed a blanket amount of \$75,000.00  
<http://www.miamidade.gov/govaction/matter.asp?matter=031953&file=true&fileAnalysis=false&yearFolder=Y2003>

**Resolution No. R-598-01**, adopted by the Board on May 24, 2001, authorizing the selection and employment of appraisers to perform appraisals on an as needed basis by Miami-Dade Transit, in an amount not to exceed \$75,000  
<http://www.miamidade.gov/govaction/matter.asp?matter=010704&file=false&fileAnalysis=false&yearFolder=Y2001>

**Resolution No. R-1373-99**, adopted by the Board on December 16, 1999, authorizing the county manager to hire independent property appraisers in accordance with established competitive county hiring practices to perform appraisals and review appraisals for transit joint development projects, other revenue generating transit projects, and acquisition of properties for transit purposes  
<http://www.miamidade.gov/govaction/matter.asp?matter=993192&file=false&fileAnalysis=false&yearFolder=Y1999>

**Resolution No. R-509-99**, adopted by the Board on May 11, 1999, authorizing the County Manager to hire independent property appraisers in accordance with established county hiring practices to perform appraisals and review appraisals for transit joint development projects and other revenue generating transit projects  
<http://www.miamidade.gov/govaction/matter.asp?matter=990950&file=false&fileAnalysis=false&yearFolder=Y1999>

**Resolution No. R-342-98**, adopted by the Board on February 11, 1998, authorizing the County Manager to hire independent property appraisers in accordance with established County hiring practices to perform appraisals and review appraisals for transit joint development projects and revenue generating transit property leases  
<http://www.miamidade.gov/govaction/matter.asp?matter=980430&file=false&fileAnalysis=false&yearFolder=Y1998>

**Resolution No. R-313-11**, adopted by the Board on May 3, 2011, authorizing Miami-Dade Transit (MDT) to secure independent, certified (mai, asa) real property appraisers to perform real property appraisals on an as-needed basis, in accordance with established county appraiser selection procedures, in an amount not to exceed a blanket amount of \$100,000 and authorizing the use of charter county transportation system surtax funds  
<http://www.miamidade.gov/govaction/matter.asp?matter=110722&file=true&fileAnalysis=false&yearFolder=Y2011>

**Resolution No. R-217-16**, adopted by the Board on March 8, 2016, authorizing Miami-Dade Transit to secure independent, certified real property appraisers to perform real property appraisals on an as-needed basis, in accordance with established County appraiser selection procedures, in an amount not to exceed a blanket amount of \$150,000.00, funded by Miami-Dade Transit operating funds  
<http://www.miamidade.gov/govaction/matter.asp?matter=160048&file=true&fileAnalysis=false&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:** Transportation and Public Works

There is no procedural history for this item at this time.



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**Research Notes**

**ANALYSIS**

This item requests authorization for DTPW to secure independent, certified real property appraisers holding a professional designation of Member Appraisal Institute (MAI) or Accredited Senior Appraiser, American Society of Appraisers, (ASA) to perform real property appraisals on an as-needed basis in accordance with established Miami-Dade County (County) appraiser-selection procedures in a blanket amount not to exceed \$150,000.00 until funds are expended)

The fiscal impact for this request is \$150,000.00. The impact of this service is Countywide. Funding for appraisals related to joint development, leases, acquisition, and sale of properties is budgeted annually in the MDT Operating Budget.

County procedures are followed by soliciting project-specific proposals from County-approved independent real property appraisers whose proposals are approved by the Appraiser Selection Committee chaired by the County Attorney's Office.

The selected property appraisers must meet the following criteria:

- Submit a competitive bid price and reasonable time frame for completion;
- Hold a current professional designation (MAI, ASA);
- Meet current State of Florida requirements for state-certified appraisers;
- Hold a current State of Florida Certified General Appraiser License (RZ designation);
- Have related project experience;
- Demonstrate skill in producing reports in compliance with Uniform Standards of Professional Appraisal Practice (USPAP); and
- Demonstrate competent prior performance.

Additionally, appraisers must comply with applicable federal regulations on appraisals involving federally assisted projects.

Since 1998, the BCC has approved blanket appraisal authorizations for DTPW facilitating DTPW to secure appraisals, appraisal updates, and appraisal reviews in an expedited manner.

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**Item No. 3H**  
**File No. 183020**

**Researcher: IL Reviewer: TD**

RESOLUTION APPROVING AWARD OF EMERGENCY MISCELLANEOUS CONSTRUCTION CONTRACT 7040 PLAN - RPQ NUMBER: 380773 FOR THE ACOUSTICAL BARRIER REPLACEMENT - PHASE 1 (REMOVAL) PROJECT TO MAYTIN ENGINEERING CORP. IN THE AMOUNT OF \$2,819,465.62 AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

**ISSUE/REQUESTED ACTION**

Whether the Board should approve award of Emergency Miscellaneous Construction Contract (MCC) 7040 Plan RPQ No. 380773, *for the Acoustical Barrier Replacement – Phase 1 (Removal) Project*, to Maytin Engineering Corp, in the amount of \$2,819,465.62 for a total contract period of 238 calendar days and authorizing the use of Charter County Transportation Surtax Funds 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 S29-124SPFUCRUSSUPRROCIINTRTR](https://library.municode.com/fl/miami_-_dade_county/codes/code_of_ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE_212.0551FLST2001_S29-124SPFUCRUSSUPRROCIINTRTR)

**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.

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



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\$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-dade_county/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>

[Implementing Order No. 3-53](#)

## **PROCEDURAL HISTORY**

**Prime Sponsor:** N/A

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

There is no procedural history for this item at this time.

## **ANALYSIS**

This item is requesting to approve the award of Emergency Miscellaneous Construction Contract (MCC) 7040 Plan RPQ No. 380773, *for the Acoustical Barrier Replacement – Phase 1 (Removal) Project*, to Maytin Engineering Corp, in the amount of \$2,819,465.62 for a total contract period of 238 calendar days and authorizing the use of Charter County Transportation Surtax Funds for the Department of Transportation and Public Works (DTPW)

The fiscal impact for the project is \$2,819,465.62 (i.e., a base estimate of \$2,463,150 and contingency allowance of \$246,315.06) for a total contract period of 238 days. The contingency amount of \$246,315.06 is only to be used for renovations (unforeseen changes) and the dedicated allowance amount of \$110,000.00 as determined by DTPW.

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**Research Notes**

Per the RPQ, the work is to be conducted in accordance with the contract's summary of work, terms and conditions, permits and inspections, and will comply with all applicable Federal, State and Local laws, codes and regulations.

The awardee is a local corporation with a principal address of 13900 NW 112 Avenue, Hialeah Gardens, Florida 33018 according to Sunbiz.org the Division of Corporations official State of Florida website and the Miami-Dade County Tax Collectors office. Maytin Engineering Corp, holds a Certified General Contractor license according to the Department of Business & Professional Regulation's website. The project is located in District 5 and District 7, represented by Commissioner Eileen Higgins and Commissioner Xavier L. Suarez.

A type "B" acoustical barrier attachment failed causing the barrier to lean into the Metrorail track where it was struck by a rail car, causing the acoustical barrier to fall and land on a parked vehicle. An evaluation of the incident concluded that all Type "B" acoustical barriers were to be removed as quickly as possible. A declaration of emergency was issued for the immediate removal of all Metrorail Type "B" (concrete) acoustical barriers system-wide. Three bids were received in response to the RPQ. The lowest responsive and responsible bidder was Maytin Engineering Corp., coming in 26.69 percent below the engineer's estimate according to the mayoral memo.