



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

Transportation and Finance (TAF) Committee Meeting

April 16, 2019
2:00 P.M.
Commission Chambers

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Item No. 1G1
File No. 190025

Researcher: LE Reviewer: TD

ORDINANCE RELATING TO PUBLIC TRANSIT; AMENDING SECTION 2-150 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REVISING CIRCUMSTANCES UNDER WHICH TRANSIT ROUTE MODIFICATIONS REQUIRE PUBLIC HEARING AND BOARD APPROVAL; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Miami-Dade County Code Section 2-150 to revise the circumstances where transit route modifications require public hearing and board approval.

PROCEDURAL HISTORY

Prime Sponsor: Daniella Levine Cava, District 8

Department/Requester: None

This item was adopted on first reading during the BCC on January 23, 2019 and was deferred on February 13, 2019 to the April 16, 2019 TAF committee meeting. It is tentatively scheduled for a public hearing during the TAF meeting on April 16, 2019.

ANALYSIS

The purpose of this item is to amend Section 2-150 of the County Code to change the thresholds for major service adjustments and circumstances where transit route modifications require public hearing and board approval.

This item has no fiscal impact.

The changes include decrease in service of 10 percent or more of the number of route miles in a route, if in a fiscal year the cumulative reductions on a route add up to 10 percent or more, and a decrease in the interval between peak period transit services on a route of more than 10 minutes and 30 minutes.

The changes to the circumstances may limit the Department of Transportation and Public Works (DTPW) if they attempt to make necessary route modifications and delay timely delivery. The semi-annual bus service changes may be delayed which can result in longer wait times for service improvements.

The table below shows the original Section 2-150 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 2-150 of the County Code	Proposed changes to Section 2-150 of the County Code
Sec. 2-150. – Fixing and changing fares, service, rates or charges. (a) Except as provided in Section 2-150(c), the County Commission shall have the authority to make service changes and fix all fares, rates or charges for the use of the transit system, provided however, that those fares, rates or charges in force on the effective date of this	Sec. 2-150. – Fixing and changing fares, service, rates or charges. (a) Except as provided in Section 2-150(c), the County Commission shall have the authority to make service changes and fix all fares, rates or charges for the use of the transit system, provided however, that those fares, rates or charges in force on the effective date of this

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article shall continue in full force and effect until changed or modified by the County Commission.

(b) Approved by County Commission after public hearing. The County Manager may recommend the following changes or modifications to service, fares, rates or charges, which changes may be adopted by resolution of the Board of County Commissioners after a public hearing:

1. Any fare, rate or charge for transit service or for service ancillary to transit;
2. Any change in service of twenty-five (25) percent or more of the number of route miles of a route;
3. If, in a fiscal year, the cumulative changes on a route add up to twenty-five (25) percent or more change in the number of route miles of a route;
4. A change in the interval between peak period transit services on a route of more than ten (10) minutes;
5. A change in the interval between off-peak period transit services on a route of more than thirty (30) minutes; or
6. A new transit service is established or an existing service is abolished.

* * *

article shall continue in full force and effect until changed or modified by the County Commission.

(b) Approved by County Commission after public hearing. The County >>Mayor<< [[Manager]] may recommend the following changes or modifications to service, fares, rates or charges, which changes may be adopted by resolution of the Board of County Commissioners after a public hearing:

1. Any fare, rate or charge for transit service or for service ancillary to transit;
2. Any [[change]] >>increase<< in service of twenty-five (25) percent or more of the number of route miles of a route >>or decrease in service of 10 percent or more of the number of route miles of a route<<;
3. If, in a fiscal year, the cumulative [[changes]] >>increases<< on a route add up to twenty-five (25) percent or more change in the number of route miles of a route >>or in a fiscal year, the cumulative reductions on a route add up to 10 percent or more change in the route miles of a route<<;
4. [[A change]] >>An increase<< in the interval between peak period transit services on a route of more than [[ten (10)]] >>5<< minutes;
5. [[A change]] >>An increase<< in the interval between off-peak period transit services on a route of more than [[thirty (30)]] >>15<< minutes; [[or]]

>>6. A decrease in the interval between peak period transit services on a route of more than 10 minutes;

7. A decrease in the interval between off-peak period transit services on a route of more than 30 minutes; or<<

[[6-]] >>8.<< A new transit service is established or an existing service is abolished.

* * *

APPLICABLE LEGISLATION/POLICY

Section 2-150 of the Miami-Dade County Code delineates fixing and changing fares, service, rates or charges for the transit system.

https://library.municode.com/fl/miami_-

[dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTXIXMIDETRAG_S2-150.1RE](https://library.municode.com/fl/miami_-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH2AD_ARTXIXMIDETRAG_S2-150.1RE)

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Item No. 1G2
File No. 190932

Researcher: IL Reviewer: TD

RESOLUTION ACCEPTING THE RECOMMENDATION OF THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST ("CITT") CONTAINED IN CITT RESOLUTION NO. 18-033 AND AMENDING EXHIBIT 1 OF THE PEOPLE'S TRANSPORTATION PLAN BY, COMMENCING IN FISCAL YEAR 2019-2020, PROHIBITING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THOSE TRANSIT SERVICES IN EXISTENCE PRIOR TO NOVEMBER 5, 2002; AND RESCINDING RESOLUTION NO. R-222-09, EFFECTIVE OCTOBER 1, 2019, WHICH WAS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS ON MARCH 3, 2009 AND MATERIALLY CHANGED THE PROJECTS LISTED IN THE ORIGINAL PEOPLE'S TRANSPORTATION PLAN

ISSUE/REQUESTED ACTION

Whether the Board should approve the recommendation of the Citizens' Independent Transportation Trust (CITT) to (1) Amend exhibit 1 of the People's Transportation Plan (PTP) for Fiscal Year 2019-2020, (2) Prohibit the use of Transportation Surtax funds for those transit services in existence prior to November 5, 2002 and rescinding resolution R-222-09.

PROCEDURAL HISTORY

Prime Sponsor: Xavier L. Suarez and Co-Sponsor: Daniella Levine Cava

Department/Requester: None

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

ANALYSIS

The purpose of this item is to seek BCC approval of the CITT's recommendations consisting of an amendment to Exhibit 1 of the PTP and setting a prohibition for the use of Surtax funds for transit services existing prior to November 5, 2002 and rescinding R-222-09.

Resolution R-222-09 allows for greater flexibility in the use of Charter County Transit Surtax funds for the operation and maintenance of the transit system. The proposed resolution aims to rescind this flexibility and limit the scope for which the Surtax funds can be used.

The fiscal impact would be felt by the general fund as the dollars used for transit services existing prior to November 5, 2002 will not be covered by the Surtax funds.

This request is premised on a shift in focus concerning Surtax funds as they are to be applied to projects associated with the Strategic Miami Area Rapid Transit Plan (SMART). The item references Exhibit 1 of the PTP as the document that listing what the surtax funds are to be spent on. However, the item did not have a copy of Exhibit 1 in it for OCA to review.

DEPARTMENTAL INPUT

The following questions were asked to the department on April 15, 2019.

- Could your office provide a copy of Exhibit 1 of the PTP with the subject areas that are going to be amended (removed)
- Is the County's general fund adequately capable of handling operation and maintenance costs for services in existence prior to November 5, 2002?
- How many services are an existence prior to November 5, 2002 and what commission districts do they operate in?

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APPLICABLE LEGISLATION/POLICY

Chapter 212.055 of the Florida Statutes It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. A governing board, agency, or authority shall be chartered by the county commission upon this act becoming law.

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

Ordinance 02-116 adopted July 9, 2002, imposed the one half of one percent Charter County Transit system Surtax authorized by section 212.055 (1), Florida Statutes (2001) on all transactions occurring in Miami-Dade County and granting the Citizens' Independent Transportation Trust certain powers over the use and expenditure of surtax proceeds.

<http://www.miamidade.gov/govaction/matter.asp?matter=022196&file=false&fileAnalysis=false&yearFolder=Y2002>

Resolution No. R-222-09, adopted March 3, 2009, amending Exhibit 1 to The People's Transportation Plan by creating a capital expansion reserve fund and allowing for greater flexibility in the use of Charter County Transit Surtax funds for the operation and maintenance of the transit system.

<http://www.miamidade.gov/govaction/matter.asp?matter=083455&file=true&fileAnalysis=false&yearFolder=Y2008>

CITT Resolution No. 15-045, adopted October 21, 2015, supports the original intent of the PTP for the use of Surtax funds for the expansion and improvement of the transit system and programs included in the plan, and the reduction in the reliance of Miami-Dade Transit on Surtax funds, within three to five years, to a level below operating expenses attributable to original PTP projects, as included in the five-year forecast of the adopted Fiscal Year 2015-2016 budget. (Available upon request)

CITT Resolution No. 17-048, adopted July 13, 2017, supports the original intent of the PTP for the use of Surtax funds for the expansion and improvement of the transit system, including operation and maintenance thereof as originally provided in the PTP and supports the expeditious unwinding of unification by urging the County Mayor to reduce the amount of surtax allocated for transit operations in Fiscal Year 2017-2018 by 50 percent of the revenue from the general fund and increasing the general fund allocation by an equivalent amount, and supports the prioritization of future capital surtax funding for the SMART plan. (Available upon request)

CITT Resolution No. R-18-033, adopted August 23, 2018, rescinds R-08-079 and recommends that the BCC amend exhibit 1 to the PTP accordingly to revoke language adopted on March 3, 200 under Resolution No. R-222-09 allowing for greater flexibility in the use of Charter County Transit Surtax funds for the operation and maintenance of the transit system. (Available upon request)

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Item No. 3A

File No. 190819

Researcher: PGE Reviewer: TD

RESOLUTION APPROVING AWARD OF CONTRACT NO. FB-00964 FOR PURCHASE OF TWO PRIME MOVERS FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS FOR A ONE-YEAR TERM IN AN AMOUNT NOT TO EXCEED \$2,700,000.00; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO GIVE NOTICE OF THIS AWARD, ISSUE THE APPROPRIATE PURCHASE ORDERS TO GIVE EFFECT TO SAME AND EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA 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 approve award of *Contract No. FB-00964, Prime Mover*, to Harsco Metro Rail, LLC in the amount of \$2,700,000 of surtax funds for a one-year term for the Transportation and Public Works Department.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Internal Services Department

The item has no procedural history.

ANALYSIS

The purpose of this item is to establish a contract for the purchase of two replacement prime movers to support the operations of the Transportation and Public Works Department (DTPW) as the current movers are outdated. Prime movers are used as work trains to tow revenue trains, transport employees to and from work areas, perform replacement and/or repair of rail as well as provide power for hydraulic and pneumatic tools and facilitate other wayside related maintenance tasks. The movers to be purchased shall contain an enclosed cab for eight personnel plus one operator.

The prime movers are to be new and the most recent model available. The movers are to be delivered to an authorized DTPW representative at the William Lehman Center within 485 calendar days after the order date. There is a one-year warranty following the date of acceptance.

The solicitation was advertised on September 13, 2018. The method of award was to the responsible, responsive bidder whose offer represented the lowest unit price. Four bids were received on November 30, 2018. The lowest bidder, Internet Marketplace Online, LLC, submitted an offer of \$590,800. However, per a responsibility review, that bid was deemed noncompliant with the solicitation's specifications for the prime mover. Accordingly, the recommended awardee is Harsco Metro Rail who tendered the second lowest bid of \$2,700,000.

The funding source for this procurement is Charter County Transportation Surtax funds. This is a firm, fixed-price one-time purchase contract. The cost is inclusive of purchasing, installing, and testing the equipment. Training is also included in the cost. The contract term is one-year. The last prime mover purchase was under *Contract No. FB-00377* for a one-year term (from November 16, 2016 to November 30, 2017) in the amount of \$1,473,000 from Harsco Corporation. The price per unit under the replacement contract is lower than the previous contract due to economies of scale in manufacturing two prime movers.

As seen in the mayoral memorandum, Harsco Metro Rail, LLC neither has a local address nor employees residing in Miami-Dade County. The company operates as a subsidiary of Harsco Corporation (see: <http://www.harscorail.com/about-us.html>).

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The Small Business Development Project Worksheet for this procurement shows a commodity code of 55830 (Locomotive, Diesel). An April 15, 2019 search on the Business Management Workforce System under that commodity code yielded no firms.

APPLICABLE LEGISLATION/POLICY

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

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

Section 29-124 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

Resolution No. R-477-18, adopted by the Board on May 1, 2018, directed the County Mayor to disclose to the Board the reasons goods and services are not being procured through local businesses when the recommendation is to award a contract to a non-local vendor or to establish a prequalification pool where less than 75 percent of the pool members are local businesses.

<http://intra/gia/matter.asp?matter=180822&file=true&yearFolder=Y2018>

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-716-12, adopted by the Board on September 4, 2012, requires identification of small business enterprise firms in any procurement item submitted for Board approval.

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

Resolution No. R-140-15, adopted by the Board on February 3, 2015, directs the County Mayor to conduct a full review prior to the re-procurement of replacement contracts for goods and services of the scope of services or goods requested to ensure such contracts reflect the current needs of the County and include such information in recommendations to the Board.

<http://intra/gia/matter.asp?matter=150090&file=true&yearFolder=Y2015>

Resolution No. R-1011-15, adopted by the Board on November 3, 2015, directed the County Mayor to require that vendors provide addresses of all local branch offices and headquarters and the number and percentage of local residents such vendors employ in memoranda to the Board pertaining to vendors being recommended for contract award.

<http://intra/gia/matter.asp?matter=152271&file=true&yearFolder=Y2015>

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.

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

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Item No. 3B

File No. 190746

Researcher: JFP Reviewer: TD

RESOLUTION APPROVING A STATE-FUNDED GRANT AGREEMENT BETWEEN MIAMI-DADE COUNTY, THE CITY OF HIALEAH AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE CITY OF HIALEAH WITH COUNTY INCENTIVE GRANT PROGRAM FUNDING IN THE AMOUNT OF \$1,050,000.00 TO PURCHASE SIX NEW LOW-FLOOR PASSENGER BUSES; 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 the County, the City of Hialeah and the Florida Department of Transportation (FDOT) to provide the City of Hialeah with \$1,050,000 in County Incentive Grant Program funding to purchase six new low-floor passenger buses, at no cost to the County.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item has no procedural history.

ANALYSIS

This purpose of this item is to provide the City of Hialeah with \$1,050,000 in County Incentive Grant Program funding, for which the City will provide a local match, to purchase six new low-floor passenger buses. The total project cost is \$2,100,000, of which FDOT will contribute the remaining 50% (\$1,050,000).

Pursuant to Section 339.2817, Florida Statutes, a municipality may apply to the county in which the municipality is located for consideration by the county for funding of any project or project phase of a transportation facility which is located on the State Highway System or which is demonstrated to relieve congestion on the State Highway System. The county must consider the following criteria when evaluating all municipal applications:

- The extent to which the project will encourage, enhance, or create economic benefits;
- The likelihood that assistance would enable the project to proceed at an earlier date than the project could otherwise proceed;
- The extent to which assistance would foster innovative public-private partnerships and attract private debt or equity investment;
- The extent to which the project uses new technologies, including intelligent transportation systems, which enhance the efficiency of the project;
- The extent to which the project helps to maintain or protect the environment; and
- The extent to which the project includes transportation benefits for improving intermodalism and safety.

This project will provide the City of Hialeah with an opportunity to replace its fleet of aging passenger buses in circulation with six new passenger buses by December 31, 2020 in furtherance of properly accommodating the City's growing number of residents with adequate transportation services. Therefore, DTPW has determined the preceding criteria prescribed by Florida Statutes has been sufficiently met.

The execution of this agreement assigns all of the County's interests and obligations under the agreement to the City of Hialeah, whose City Council approved the agreement on November 27, 2018. Board approval is required to allow for final execution of the agreement with FDOT.

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APPLICABLE LEGISLATION/POLICY

Section 339.2817, Florida Statutes, creates 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?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=339.2817&URL=0300-0399/0339/Sections/0339.2817.html