



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

Transportation and Public Works
Committee (TPWC) Meeting

November 16, 2017
9:30 A.M.
Commission Chambers

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

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

Item No. 1G1
File No. 172159
Researcher: SM
Reviewer: PGE

Prime Sponsor: Esteban L. Bovo, Jr.

ORDINANCE RELATING TO LICENSING AND REGULATION OF FOR-HIRE LIMOUSINES; AMENDING CHAPTER 31, ARTICLE VI OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING PROVISIONS REGARDING THE TRANSFER OF LUXURY LIMOUSINE SEDAN FOR-HIRE LICENSES; PROVIDING THAT THERE SHALL BE NO LIMITATION ON THE NUMBER OF LUXURY LIMOUSINE SEDAN FOR-HIRE LICENSES; PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Chapter 31, Article VI of the Code of Miami-Dade County, regarding the transfer of luxury limousine sedan for-hire-licenses.

APPLICABLE LEGISLATION/POLICY

Chapter 31, Article VI, of the Code of Miami-Dade County governs licensing and regulation of for-hire-limousines.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH31VEHI_ARTVILIREFRELI

Section 31-602 of the County Code governs the rules and procedure to apply for-hire limousine licenses in addition to operating within the County.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH31VEHI_ARTVILIREFRELI_S31-602FRELILI

Section 31-603 of the County Code governs the distribution of luxury limousine sedan for-hire licenses.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH31VEHI_ARTVILIREFRELI_S31-603LULISEFRELI

Implementing Order No. 4-107 adopted June 6, 2012 establishes a schedule of fees to be assessed and collected by the Sustainability, Planning and Economic Enhancement Department to cover the cost of processing permits, licenses, registrations, limited authorizations, certificates, decals and applications; performing inspections; and providing other services.

<http://www.miamidade.gov/licenses/library/fees/for-hire.pdf>

PROCEDURAL HISTORY

The item was adopted on first reading by the Board on October 3, 2017.

FISCAL IMPACT

The fee for obtaining a limousine license will be prorated according to the number of months remaining between the month of the date of license issuance and the month of annual renewal. The initial license application is currently \$350.

<http://www.miamidade.gov/licenses/library/fees/for-hire.pdf>

Limousine service in Miami-Dade County is subject to minimum rates set by the Board.

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

The following minimum rates are effective as of June 17, 2005:

Type of Limousine	Rate
Luxury Sedan (including SUVs)	\$40/hour, with a 2-hour minimum; \$70 for a one-way continuous trip to any location; \$70 for any one-way continuous trip to Miami International Airport or Seaport, if the trip originates north of S.W. 248 Street; and any stop during the trip shall be \$40/hour or fraction of an hour; or \$90 for any one-way continuous trip to Miami International Airport or Seaport if the trip originates south of S.W. 248 Street; and any stop during the trip shall be \$40/hour or fraction of any hour.
Stretch Limousine	\$55/hour, with a 3-hour minimum; \$95 for a one-way, continuous trip to any location; \$75 for any one-way continuous trip to Miami International Airport or Seaport; and any stop during the trip shall be \$45/hour or fraction of an hour.
Super-Stretch Limousine	\$65/hour, with a 3-hour minimum; \$95 for a one-way, continuous trip to any location

<http://www.miamidade.gov/licenses/library/guidelines/limousine-rates.pdf>

ANALYSIS

The proposed ordinance amends Chapter 31, Article VI, of the Code of Miami-Dade County by amending provisions regarding the transfer of luxury limousine sedan for-hire licenses and providing that there will not be any limitation on the number of luxury limousine sedan for-hire licenses. There is currently no limitation on the number of stretch limousine, super-stretch limousine, collectible limousine and antique limousine for-hire licenses which may be issued administratively. Luxury limousine licenses may be issued through a lottery which can only occur after the Board has authorized the issuance of additional licenses. The proposed amendment would change this which would in effect treat luxury limousine sedans in an equivalent way to the other aforementioned limousines.

Under this item, Section 31-603 will be amended to include the following new definition:

“No limitation on number of luxury limousine sedan licenses. There shall be no limitation on then number of luxury limousine sedan for-hire limousine licenses.”

ADDITIONAL RESEARCH

The number of Broward County permits for limousines is unrestricted. Broward has similar procedures as Miami-Dade County.

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

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

Applicants for a permit to operate a Luxury Limousine shall meet the following criteria:

- The applicant must have a place of business located in Broward County and must have a Broward County Occupational License for its business;
- The applicant must produce as of the date of application, a title or lease agreement for each individual vehicle operating on the applicant's behalf in Broward County;
- The applicant must produce proof that it carries public automobile insurance for each individual vehicle, as required by this Chapter, effective on or before the date of application; and
- The applicant must produce proof that, as of the date of application, the applicant maintains a Broward County telephone number in the applicant's name.

https://library.municode.com/fl/broward_county/codes/code_of_ordinances?nodeId=PTIICOOR_CH22_1-2MOCA_S22_1-2_-6CPEUXLITRVA

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

Item No. 1G2

Prime Sponsor: Xavier L. Suarez

File No. 172013

Researcher: BM

Reviewer: PGE

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-284.62 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AMENDING DOWNTOWN KENDALL URBAN CENTER ZONING DISTRICT REGULATIONS RELATED TO DEVELOPMENT IN THE “CENTER” SUB-DISTRICT; REVISING PROVISIONS RELATING TO BUILDING HEIGHT AND PLACEMENT, MAXIMUM FLOORPLATE SIZE, VEHICULAR ENTRYWAYS, AND FRONTAGE FOR OFF-STREET PARKING; CREATING REQUIREMENT PERTAINING TO PEDESTRIAN CONNECTIVITY WITH PUBLIC TRANSIT; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

ISSUE/REQUESTED ACTION

Whether the Board should amend Section 33-284.62 of the County Code pertaining to the Downtown Kendall Urban Center (DKUC) Zoning District Regulations, specifically to the “Center” Sub-District creating a requirement pertaining to pedestrian connectivity with public transit.

APPLICABLE LEGISLATION/POLICY

Section 33-284.62 of the County Code sets forth definitions relating to zoning district regulations related to development in the Downtown Kendall Urban Center Zoning District.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH33ZO_ARTXXXIII_I_DOKEURCEDI_S33-284.62DEPA

Ordinance No. 14-134 relates to the amendment to the Urban Center District Land Use Plan. This ordinance was adopted by the Board on December 16, 2014.

<http://www.miamidade.gov/cob/library/Registry/Ordinances/Board-of-County-Commissioners/2014/14-134.pdf>

PROCEDURAL HISTORY

This item was adopted on first reading by the Board on October 3, 2017.

FISCAL IMPACT

Enactment of this ordinance is not anticipated to create a fiscal impact to the County, it will not result in additional staffing needs or create future operational costs.

ANALYSIS

The proposed ordinance amends Section 33-284.62 of the Code of Miami-Dade County Code as follows: (1) provisions related to building height and placement, maximum floorplate size, vehicular entryways, frontage of off-street parking; and (2) creates requirement pertaining to pedestrian connectivity with public transit.

Specifically, the proposed ordinance amends the following elements of Section 33-284.62 of the County Code of Miami-Dade County:

- 1) The table below summarizes several of the amendments to the ordinance relating to Provisions Related to Building Height and Placement:

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

Building Maximum	From	To
Pedestal – At street front	6 stories	7 stories
Tower	2	15
		Combined pedestal and tower height may not exceed 18 stories
Building Placement	From	To
Front – Build-to line	40 feet	15 feet minimum
Interior Side/Rear	20 foot minimum setback for pedestal/30 foot minimum setback for tower.	No minimum setback pedestal and tower.
Maximum Floorplate Size	From	To
	Maximum building floorplates above eight stories for all uses shall be twenty thousand (20,000) square feet. Cantilever balconies six (6) feet or less in depth shall not be counted towards the maximum building floorplate area.	Maximum building floorplates above eight stories for all uses shall be twenty-five thousand square feet or 25 percent of the lot area whichever is greater. Cantilever balconies six (6) feet or less in depth shall not be counted towards the maximum building floorplate area.
Streetwalls	From	To
Vehicular Entries	Allowed. Each entry may be up to thirty-three (33) feet wide, with a minimum interval of seventy (70) feet between each vehicular entry along frontage.	Allowed. Each entry may be up to 33 feet wide, with a minimum interval of 70 feet between each vehicular entry along frontage for abutting non-designated streets.
Habitable Space	Twenty (20) foot minimum depth for first story and entire length of pedestal.	20 foot minimum depth for first story and entire length of pedestal.
Off-street Parking	From	To
Street Level	Street Level - Eight (8) foot minimum setback from the front property line.	Colonnade Level – When provided, 20 foot minimum setback from interior wall of colonnade.
	Other Levels—Parking garages may be no closer to the front property line than the build-to line. At least one (1) vehicular connection shall be provided.	All Building Level – 20 foot minimum setback from pedestal's build-to line.

- 2) This ordinance creates the following requirement by amendment to Section 33-284.62 of the County Code regarding Pedestrian Connection to public transit:

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

Parcels south of South Datan Drive shall provide a 10 foot wide pedestrian walkway or colonnade or property that is located in such a manner as to encourage pedestrian access to the Metrorail station.

Implementing the proposed ordinance will encourage County residents in this area to more efficiently use public transit along the premium transit corridors.

ADDITIONAL INFORMATION

Below is a detailed report on the DKUC District, explaining its purpose and intent.

<https://www.miamidade.gov/zoning/library/reports/downtown-kendall-district.pdf>

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

Item No. 3A

Prime Sponsor: N/A

File No. 172456

Researcher: PGE

Reviewer: TD

RESOLUTION AUTHORIZING THE USE OF CONTRACT NO. RFP-00199, FINANCIAL AND P3 ADVISORY SERVICES FOR THE DEPARTMENT AND TRANSPORTATION AND PUBLIC WORKS PROJECT TITLED LED ROADWAY LIGHTING DEVELOPMENT AND INSTALLATION AND AUTHORIZING ADDITIONAL EXPENDITURE AUTHORITY FOR SAID CONTRACT IN A TOTAL AMOUNT UP TO \$150,000.00

ISSUE/REQUESTED ACTION

Whether the Board should authorize the use of Contract No. RFP-00199, Financial and P3 Advisory Services, for the LED roadway lighting development and installation project for the Department of Transportation and Public Works (DTPW) in the amount of \$150,000.

APPLICABLE LEGISLATION/POLICY

Section 2-8.1 of the County Code (Contracts and Purchases, Generally); this section requires formal sealed bids for purchases over \$250,000; describes the circumstances under which non-competitive purchases may be approved, including legacy and designated purchases; and provides that procurement procedures shall be established via an Implementing Order.

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

Master Procurement Implementing Order No. 3-38 sets forth the County's processes and procedures for the purchase of goods and services, including professional services.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/IO3-38.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-706-16, adopted by the Board on July 19, 2016, approved award of Contract No. 00199 to KPMG LLP for delivery of financial and public-private partnership advisory services in an amount not to exceed \$2,000,000 for an initial two-year term and, two, one-year options to renew.

<http://intra/gia/matter.asp?matter=161687&file=true&yearFolder=Y2016>

Resolution No. R-151-15, adopted by the Board on February 3, 2015, directed the County Mayor to prepare and issue a solicitation for the retention of a financial consultant to provide specialized financial services to support the County in its desire to explore P3 delivery methods for the design, construction, operation and maintenance of court and jail facilities. Under the resolution, a P3 solicitation shall consist of two steps, a Request for Qualifications followed by a Request for Proposals.

<http://intra/gia/matter.asp?matter=150167&file=true&yearFolder=Y2015>

PROCEDURAL HISTORY

This item has no procedural history.

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

FISCAL IMPACT

DTPW is requesting an allocation of \$150,000 to cover the cost of financial and P3 advisory services. The mayoral memorandum does not explain how that allocation was determined and what specific services the vendor – KPMG LLP – would deliver. Per information found in the Bid Tracking System on November 15, 2017, \$360,000 have been allocated to the contract's Blanket Purchase Order, of which \$360,000 has been released. As specified in the contract, the performance and payment for any work shall be expressly conditioned upon the execution of a Work Order by both parties.

ANALYSIS

This item seeks Board authorization for DTPW to be added to the County's Financial and P3 Advisory Services contract with KPMG with an allocation of \$150,000; the addition of the department to the contract will authorize the firm's delivery of financial advising and consulting services associated with the LED roadway lighting development and installation project. As indicated in the mayoral memorandum, the project proposes to convert roughly 12,597 existing high pressure sodium streetlights to LED (i.e., energy efficient light emitting diodes) and to maintain the new LED lighting system for a 15-year term. LED lighting is considered more efficient than traditional lighting sources, reducing energy consumption, decreasing the use of fossil fuels and having a longer lifespan, ostensibly resulting in cost savings. However, medical professionals have issued warnings about the potential health hazards of LED streetlights, such as severe discomfort and glares which may result in personal injury. (see:

<http://www.cnn.com/2016/06/21/health/led-streetlights-ama/index.html>).

Under the County's contract with KPMG, the firm is required to deliver financial advising and P3 consulting services associated with the acquisition of projects through the P3 delivery method. A P3 (i.e., public-private partnership) is a contractual arrangement between a public agency and a private sector entity through which the skills and assets of each sector are shared to deliver a service or facility that serves a public purpose for use by the general public. The specific services KPMG contracted to deliver relating to the County's efforts to develop court and jail facilities via P3 initiatives are: preparation of solicitation documents; production of market research; analysis of County assets; review of proposals received; formation of benchmarks; preparation of project cost comparisons/normalizations; analysis of financing options; and review and assessment of project risks. KPMG may also assist the County in any project negotiations and subsequent contract preparation as well as the presentation of recommendations to the County administration, the Mayor's Office and the Board on such projects.

DTPW issued a Request for Expressions of Interest (RFI) to solicit market feedback on the project. A summary of the results of that RFI was not included in the mayoral memorandum. Information pertaining to the project's timeline and contractor deliverables were also not included in the memorandum. Finally, note that based on a search for KPMG LLP on November 15, 2017 in the Florida Department of State, Division of Corporation website, OCA concludes that the firm is not a registered, active state of Florida business entity.

Office of the Commission Auditor

TPWC Meeting: November 16, 2017
Research Notes

Item No. 3B

Prime Sponsor: Jean Monestime

File No. 172461

Researcher: BM

Reviewer: PGE

RESOLUTION GRANTING PETITION TO CLOSE A PORTION OF NW 24 AVENUE FROM NW 119 STREET SOUTH FOR APPROXIMATELY 336 FEET (ROAD CLOSING PETITION NO. P-911)

ISSUE/REQUESTED ACTION

Whether the Board should approve the petition by Rosal Westview, LLC, for road closure of a 336-foot portion of NW 24 Avenue from NW 119 Street South, in order to incorporate the land into the proposed plat of Westview Logistics Center (tentative plat number T-23768) in District 2 represented by Commissioner Monestime.

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Sections 336.09 – 336.12:

Section 336.09 (Closing and abandonment of roads; authority)

Section 336.10 (Closing and abandonment of roads; publication of notice)

Section 336.12 (Closing and abandonment of roads; termination of easement; conveyance of fee)

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0336/0336ContentsIndex.html

PROCEDURAL HISTORY

This item has no procedural history.

FISCAL IMPACT

If this resolution is approved, the closure will not affect the tax roll since an alternate road will be dedicated by plat. The fee to close the road is \$800.

ANALYSIS

The proposed resolution approves a petition for road closure by Rosal Westview, LLC, of a 336-foot portion of NW 24 Avenue from NW 119 Street South, in order to incorporate the land into the proposed plat of Westview Logistics Center (tentative plat number T-23768) in District 2 represented by Commissioner Monestime.

Implementing the proposed resolution will provide residents with an improved traffic flow and continuity in the area as it plans to connect a dead end into a through street. This is clearly demonstrated in the following drawn attachments, and in pictures on the Google Earth map:

<https://www.google.com/maps/@25.8820986,-80.23952,466m/data=!3m1!1e3>

ADDITIONAL INFORMATION

According to the Florida Department of State website (Sunbiz), the petitioner, Rosal Westview, LLC, first filed with the State of Florida on July 26, 2011, and has an active status. The petition is signed by all abutting property owners, which includes Rosal Westview, LLC, and Southeastern Conference Assn. of Seventh-Day Adventist, Inc.

<http://search.sunbiz.org/Inquiry/CorporationSearch/SearchResultDetail?inquirytype=EntityName&directionType=Initial&searchNameOrder=ROSALWESTVIEW%20L110000861300&aggregateId=flal-111000086130-b8178820-9116-4f46-b221-0dd0dc92111a&searchTerm=ROSAL%20WESTVIEW%20LLC&listNameOrder=ROSALWESTVIEW%20L110000861300>

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

Item No. 3C

Prime Sponsor: Dennis C. Moss

File No. 172367

Researcher: BM

Reviewer: PGE

RESOLUTION AUTHORIZING THE EXECUTION OF A MIAMI-DADE COUNTY DISCLAIMER FOR THOSE PORTIONS OF THEORETICAL SW 222 AVENUE AND SW 240 STREET LOCATED WITHIN SECTION 20, TOWNSHIP 56 SOUTH, RANGE 38 EAST IN MIAMI-DADE COUNTY, FLORIDA(Transportation and Public Works)

ISSUE/REQUESTED ACTION

Whether the Board should authorize execution of a Miami-Dade County Disclaimer for the Florida Power and Light (FPL) of portion of theoretical SW 222 Avenue and SW 240 Street (located in Section 20, Township 56 South, Range 38 East).

APPLICABLE LEGISLATION/POLICY

Resolution No. R-974-09, adopted by the Board on July 21, 2009, requires that any resolution authorizing the executing of instruments creating a County interest in real property shall require such instruments to be recorded in the public records of Miami-Dade County.

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

PROCEDURAL HISTORY

This item has no procedural history.

FISCAL IMPACT

There is no fiscal impact associated with this action since there are no existing roads within the areas being disclaimed.

ANALYSIS

The proposed resolution authorizes an execution of a Miami-Dade County Disclaimer of portion of theoretical SW 222 Avenue and SW 240 Street (located in Section 20, Township 56 South, Range 38 East). The project impact is in District 9.

As FPL is the owner of all of the lands adjacent to theoretical SW 222 Avenue and SW 240 Street located in Section 20, Township 56 South, Range 38 East, it is asking Miami-Dade County to disclaim any rights it might have by virtue of a warranty deed created on March 24, 1966 by Arvida Corporation. There will be no impact to traffic since there are no existing roads.

ADDITIONAL INFORMATION

The link below demonstrates that the area in question is located in an agricultural area outside of the Urban Development Boundary, and near the Everglades National Park.

<https://www.google.com/maps/@25.5442166,-80.5493625,1016m/data=!3m1!1e3>

The Urban Development Boundary for Miami-Dade County was established by the Comprehensive Development Master Plan (CDMP) and generally approved through the year 2020. For reference, below is a link to the 2015 Urban Development Boundary.

<http://www.miamidade.gov/planning/cdmp.asp>

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

Item No. 3D

Prime Sponsor: TPWC

File No. 171934

Researcher: SM

RESOLUTION ACCEPTING CONVEYANCES OF VARIOUS PROPERTY INTERESTS FOR ROAD PURPOSES TO MIAMI-DADE COUNTY, FLORIDA

ISSUE/REQUESTED ACTION

Whether the Board should approve the resolution accepting conveyance of various property interests for road purposes to Miami-Dade County.

APPLICABLE LEGISLATION/POLICY

Resolution No. R-974-09, adopted by the Board on July 21, 2009, directs the County Mayor or County Mayor's designee to record the instruments of conveyances accepted herein in the Public Records of Miami-Dade County and to provide a recorded copy of each instrument to the Clerk of the Board within 30 days of execution of said instruments; and directs the Clerk of the Board to attach and permanently store a recorded copy of each of said instruments together with this resolution.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

PROCEDURAL HISTORY

This item has no procedural history.

FISCAL IMPACT

If the proposed resolution gets Board approval, the total fiscal impact as a result of these conveyances being accepted is approximately \$530.06 annually for maintenance costs associated with the subject rights-of-way being included in the Department of Transportation and Public Works (DTPW) inventory. These costs will be funded through DTPW's General Fund allocation, as stated in the mayoral memo.

ANALYSIS

The proposed resolution would authorize the acceptance of conveyances of various property interest for road purposes to Miami-Dade-County. Various zoning and land development requirements would be fulfilled with these acquired conveyances. This is done to put into force the improvements needed within the public right-of-way to meet County roadway standards, as stated in the mayoral memo. The properties being conveyed are located within various Commission Districts.

The Department of Transportation and Public Works recommends that this Board find and determine that the acceptance of such conveyances would be in the public's best interest. Miami-Dade County will not be obligated to construct any improvements within the properties that are tendered for road right-of-way or other purposes other than as specifically set forth in the proposed resolution and pursuant to Resolution No. R-974-09.

<http://www.miamidade.gov/cob/library/Registry/Resolutions/Board-of-County-Commissioners/2009/R-974-09.pdf>

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

Item No. 3E

Prime Sponsor: N/A

File No. 172269

Researcher: PGE

Reviewer: TD

RESOLUTION APPROVING AN OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF IMPROVEMENTS ALONG SW 99 COURT FROM STATE ROAD 94/KENDALL DRIVE TO APPROXIMATELY 350 FEET NORTH; 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 the execution of an Off-System Construction and Maintenance Agreement between the County and the Florida Department of Transportation (FDOT) for the construction of improvements along SW 99 Court from State Road 94/Kendall Drive to approximately 350 feet north.

APPLICABLE LEGISLATION/POLICY

Chapter 337 of the Florida Statutes: relating to contracting, acquisition, disposal and use of property.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0337/0337ContentsIndex.html&StatuteYear=2017&Title=%2D%3E2017%2D%3EChapter%20337

Section 339.135 of the Florida Statutes: relating to transportation work programs, legislative budget requests and FDOT's budgeted fiscal year expenditures.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0339/Sections/0339.135.html

PROCEDURAL HISTORY

This item has no procedural history.

FISCAL IMPACT

The project's estimated cost is \$176,821.26. State of Florida funds will finance the project. FDOT will cover the project's construction costs while the County's Department of Transportation and Public Works (DTPW) shall cover maintenance costs upon project completion. Such maintenance will be funded through DTPW's General Fund allocation at an estimated yearly cost of \$43.40.

ANALYSIS

This item seeks Board approval of an Off-System Construction and Maintenance Agreement between the County and FDOT for the construction of improvements along SW 99 Court from State Road 94/Kendall Drive to approximately 350 feet north, i.e., project limits. The work shall include milling and resurfacing, widening the existing roadway, constructing 72 feet of type F curb and gutter on the east side, replacing 50 feet of existing sidewalk and sod on the east side, upgrading signing and pavement markings and drainage improvements.

The project is located in District 7, which is represented by Commissioner Xavier L. Suarez. Construction of improvements is scheduled to commence in August 2018. The mayoral memorandum does not indicate the project's anticipated completion date. Additionally, there is no mention in the memorandum whether citizen input will be solicited prior to execution of the agreement and/or project commencement.

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

This project is included in FDOT's Work Program as a safety project. The project is located outside of the state's highway system, and the County is the holder of ownership rights to SW 99 Court. Key provisions of the agreement are as follows:

- FDOT shall design and construct the project in accord with all applicable federal and state laws and regulations; FDOT shall have final decision authority with respect to the design, the design review process and construction of the local roadway improvements, and the relocation of any utilities that FDOT may determine to be required;
- The County shall review the project design plans and submit its comments, if any, via Electronic Reviewer Comments; once the review process is concluded, the County shall authorize its DTPW to issue a permit to FDOT's construction contractor, authorizing FDOT to construct the project in accord with the final project design plans;
- As of the date of FDOT's Notice of Final Acceptance, the County agrees to perpetually maintain the local roadway improvements, i.e., to perform normal maintenance operations for the preservation of the local roadway improvements, which shall include roadway surfaces, shoulders, roadside structures, drainage, signing and pavement markers and such traffic control devices as are necessary for the safe and efficient use of the local roadway improvements;
- After completion of construction, the County shall assume all maintenance responsibilities; upon completion of construction, FDOT will invite the County on the Final Inspection of the work within the project limits and will incorporate valid County concerns that are within the scope of the contract into the final project punch list to be corrected by the contractor; and
- Upon completion of all work related to construction of the project, FDOT will be required to submit to the County final as-built plans for the local roadway improvements and an engineering certification that construction was completed in accordance with the plans.

Note that the attached agreement has not been signed by FDOT.

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

Item No. 3F

Prime Sponsor: N/A

File No. 172436

Researcher: PGE

Reviewer: TD

RESOLUTION APPROVING AN OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF IMPROVEMENTS ALONG NW 2 AVENUE FROM NW 123 STREET TO NW 127 STREET; 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 the execution of an Off-System Construction and Maintenance Agreement between the County and the Florida Department of Transportation (FDOT) for the construction of improvements along NW 2 Avenue from NW 123 Street to NW 127 Street.

APPLICABLE LEGISLATION/POLICY

Chapter 337 of the Florida Statutes: relating to contracting, acquisition, disposal and use of property.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0300-0399/0337/0337ContentsIndex.html&StatuteYear=2017&Title=%2D%3E2017%2D%3EChapter%20337

Section 339.135 of the Florida Statutes: relating to transportation work programs, legislative budget requests and FDOT's budgeted fiscal year expenditures.

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0300-0399/0339/Sections/0339.135.html

PROCEDURAL HISTORY

This item has no procedural history.

FISCAL IMPACT

The project's estimated cost was not provided in the mayoral memorandum. However, the memorandum states that the improvements will be built by FDOT with federal funds. The County's Department of Transportation and Public Works (DTPW) shall cover maintenance costs upon project completion; such maintenance will be funded through DTPW's General Fund allocation at an estimated yearly cost of \$226.33.

ANALYSIS

This item seeks Board approval of an Off-System Construction and Maintenance Agreement between the County and FDOT for the construction of improvements along NW 2 Avenue from NW 123 Street to NW 127 Street. The improvements are associated with a larger project abutting the project limits. The improvements to be constructed include milling and resurfacing and widening of NW 2 Avenue from NW 123 Street to NW 127 Street, a road not on the State Highway System. Additionally, FDOT shall install an additional signal head for both SR922/NW125 Street Eastbound and Westbound approaching N Miami Avenue and further install back plates for all Eastbound and Westbound signal heads at the intersection of SR922/NW 125 Street and N Miami Avenue.

The project is located in District 2, which is represented by Commissioner Jean Monestime. As indicated in the mayoral memorandum, construction of improvements is scheduled to commence in August 2018. The memorandum does not indicate the project's anticipated completion date. Additionally, there is no mention in the memorandum whether citizen input will be solicited prior to execution of the agreement and/or project commencement.

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

This project is included in FDOT's Work Program as a safety project. The project limits is located outside of the State's Highway System, and the County is the holder of the ownership rights to the road. Key provisions of the agreement are as follows:

- FDOT shall design and construct the project in accord with all applicable federal and state laws and regulations; FDOT shall have final decision authority with respect to the design, the design review process and construction of the local roadway improvements, and the relocation of any utilities that FDOT may determine to be required;
- The County shall review the project design plans and submit its comments, if any, via Electronic Reviewer Comments; once the review process is concluded, the County shall authorize its DTPW to issue a permit to FDOT's construction contractor, authorizing FDOT to construct the project in accord with the final project design plans;
- The County acknowledges that FDOT will be utilizing federal funds to construct the project, and as a result thereof, the County agrees to perpetually maintain the local roadway improvements; to maintain, means to perform normal maintenance operations for the preservation of the local roadway improvements, which shall include roadway surfaces, shoulders, roadside structures, drainage, signing and pavement markers and such traffic control devices as are necessary for the safe and efficient use of the local roadway improvements;
- After completion of construction, the County shall assume all maintenance responsibilities; upon completion of construction, FDOT will invite the County on the Final Inspection of the work within the project limits and will incorporate valid County concerns that are within the scope of the contract into the final project punch list to be corrected by the contractor; and
- Upon completion of all work related to construction of the project, FDOT will be required to submit to the County final as-built plans for the local roadway improvements and an engineering certification that construction was completed in accordance with the plans.

Note that the attached agreement has not been signed by FDOT.

Office of the Commission Auditor

TPWC Meeting: November 16, 2017
Research Notes

Item No. 3G

Prime Sponsor: N/A

File No. 172449

Researcher: SM

Reviewer: PGE

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE A CONTRACT IN THE AMOUNT OF \$338,421.12 TO AMERICAN BUILDERS MASTERS CORPORATION FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED DRAINAGE AND SIDEWALK IMPROVEMENTS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT PURSUANT TO SECTION 2-8.2.7.01 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-53; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR SUCH PURPOSES

ISSUE/REQUESTED ACTION

Whether the Board should approve the resolution authorizing the County Mayor or County Mayor's designee to execute a contract in the amount of \$338,421.12 to American Builders Masters Corporation for the People's Transportation Plan project entitled drainage and sidewalk improvements.

APPLICABLE LEGISLATION/POLICY

Section 2-8.2.7.01 - Creates the MCC program in order to enhance the contracting opportunities of Community Small Business Enterprises and to facilitate and expedite the award of construction contracts to small businesses. Creates the 7040 Plan and the 7360 Plan and establishes procedures.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=PTIIICOR_CH2AD_ARTIINGE_S2-8.2.7.01MICOCOPR

Implementing Order No. 3-53 - This Implementing Order establishes a policy for the use of the Miscellaneous Construction Contracts (MCC) program, which contains the MCC 7040 and MCC 7360 Plans.

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

Section 29-124 - Requires Citizens' Independent Transportation Trust (CITT) review of contracts funded by the People's Transportation Plan or for contracts with a Transit allocation that exceeds \$1 million.

https://library.municode.com/fl/miami-dade-county/codes/code_of_ordinances?nodeId=CD_MIAMI-DADE_CO_FLORIDA_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001_S29-124SPFUCRUSSUPPROCIINTRTR

PROCEDURAL HISTORY

This item has no procedural history.

FISCAL IMPACT

The contract award would be approximately \$338,421.12. The base contract amount is \$298,751.00, exclusive of contingency and dedicated allowance amounts. There is no additional fiscal impact to operations or maintenance, as stated in the mayoral memo.

ANALYSIS

The proposed resolution recommends contract award for Project Entitled People's Transportation Plan (PTP) project entitled Drainage and Sidewalk Improvements (Project MCC 7040 Plan - CICC 7040-0/07), Request for Price Quotation (RPQ) No. 20170202) in the amount of \$338,421.12 to American Builders Masters Corporation. There was

Office of the Commission Auditor

TPWC Meeting: November 16, 2017 Research Notes

a list of 162 pre-qualified firms, and on August 6, 2017, American Builders Masters Corporation submitted the lowest responsive and responsible base bid of \$298,751. This is 8.42 percent above the County's cost estimate. The location of work to be performed is located within District 7, represented by Commissioner Xavier L. Suarez. The recommendation may be considered by the Board only if CITT forwards a recommendation to the Board prior to the date scheduled for Board consideration or 45 days have elapsed since the filing with the Clerk of this contract award recommendation.

ADDITIONAL INFORMATION FOUND

American Builders Masters is located in Miami-Dade County, according to Sunbiz.org has a status of Active, and filing date of January 14, 2013. The firm does not have an operating website, and Buzzfile has a business description which states the following: American Builders Masters Corp is located in Miami, Florida. This organization primarily operates in the New Construction, Single-family Houses business / industry within the Construction - General Contractors & Operative Builders sector. This organization has been operating for approximately 4 years. American Builders Masters Corp is estimated to generate \$194,011 in annual revenues, and employs approximately 2 people at this single location. <http://www.buzzfile.com/business/American-Builders-Masters-Corp-786-439-8048>