



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

Infrastructure and Capital Improvements (ICI)
Committee Meeting

January 13, 2020
2:00 P.M.
Commission Chambers

Yinka Majekodunmi, CPA
Commission Auditor
Office of the Commission Auditor (OCA)
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Miami, FL 33128
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**ICI Committee Meeting:
January 13, 2020
Research Notes**

**Item No. 3EE
File No. 193044**

Researcher: IL Reviewer: PGE

RESOLUTION AUTHORIZING EXECUTION OF A FIFTH AMENDMENT TO THE CONTRACT BETWEEN MIAMI-DADE COUNTY AND KIMLEY-HORN AND ASSOCIATES TO PROVIDE ADDITIONAL FUNDING IN THE AMOUNT OF \$2,500,000.00 FOR THE PEOPLE'S TRANSPORTATION PLAN PROJECT ENTITLED ADVANCED TRAFFIC MANAGEMENT SYSTEM INCLUDED IN EXHIBIT ONE OF THE ORIGINAL PEOPLE'S TRANSPORTATION PLAN

ISSUE/REQUESTED ACTION

Whether the Board should approve Amendment No. 5 to the County ATMS System Integrator contract with Kimley-Horn and Associates, Inc., increasing the total compensation amount by \$2,500,000.00, for continued support, maintenance, and enhancement of the Advanced Traffic Management System, authorizing the use of Charter County Surtax funds for such purposes.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Department of Transportation and Public Works (DTPW)

ANALYSIS

The purpose of this item is to seek Board approval of Amendment No. 5, which is valued at \$2,500,000, to the County's contract with Kimley-Horn and Associates, Inc. (KHA) for continued system and operations support as well as traffic management planning support for Superbowl LIV 2020 and all related events. While this justification for the amendment is provided in the Amendment No. 5 document attached the agenda item, the mayoral memorandum suggests a project audit discovered that initial work orders from 2005 and 2006 totaling \$325,000 were not applied to the contract and the correction resulted in a reduction in available contract capacity, necessitating an amendment for \$2,500,000.

This project appears in the approved FY 2019-20 Adopted Budget and Multi-Year Capital Plan under Project # 608400. The description is to *upgrade and enhance the County's Advanced Traffic Management System to provide more efficient traffic movement and congestion management*. According to the FY 2019-20 Adopted Budget and Multi-Year Capital Plan, Project # 608400 has a countywide impact and shows total revenues of \$36,548,000 for FY 2019-20 from the following funding sources – FDOT, FDOT-County Incentive Grant Program, PTP Bond Program and Road Impact Fees.

This project is approved under the People's Transportation Plan. The Board approved the original award to KHA via Resolution No. R-876-05 in July 2005 for a maximum value of \$9,000,000 for all professional services required during the implementation of the project for a five-year term. The resolution authorized administrative extensions on a bi-annual basis for up to two additional two-year periods. There have been four amendments to this contract. A breakdown of the four preceding amendments are illustrated in the table below:

Amendment No.	Resolution No.	Approval Date	Time/Money	Total Contract Amount
Amendment No. 1	R-42-10	January 21, 2010	\$2,160,000	\$11,160,000
Amendment No. 2	R-97-12	January 26, 2012	\$3,900,000	\$15,060,000
Amendment No. 3	R-612-14	July 1, 2014	2-year extension (No monetary increase)	\$0.00
Amendment No. 4	R-575-16	June 21, 2016	\$3,850,000	\$18,910,000
Amendment No. 5	File No. 193044	Pending	\$2,500,000	Proposed
Total				\$21,410,000

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The justification for Amendment Number Five is premised on four prongs:

1. KHA engineers were used along with County Engineers to inspect monitor and adjust traffic signal timing due to lane closures, power restoration, and debris cleanup efforts. KHA invoiced \$1.7 million dollars for this work.
2. KHA has provided Quality Assurance/Quality Control of the signal data migration and new equipment testing to assure a safe and seamless transition in traffic signal operations concerning ATMS. KHA invoiced \$1.6 million dollars for this work.
3. According to the administration, an audit of the project was conducted, and it was discovered that initial work orders for this contract from 2005 through 2006 in the amount of \$325,000 were outstanding.
4. Lastly, traffic management planning support for Superbowl LIV 2020 and all related events.

The Office of the Commission Auditor (OCA) conducted a performance review of KHA in the Capital Improvements Information System (CIIS) pursuant to Resolution No. R-421-16 on January 3, 2020. There are 30 performance evaluations in the Capital Improvements Information Systems Database for KHA, yielding an average evaluation rating of 3.5 out of 4.0.

Vendor Name	Sunbiz	DBPR	Tax Collector	West Law
Kimley-Horn and Associates, Inc.	Foreign Profit Corporation Principal Address: 421 Fayetteville Street, Suite 600, Raleigh, NC 27601 Date Filed: April 24, 1968	Main Address: 421 Fayetteville Street, Suite 600, Raleigh, NC 27601	Business Address: 2151 LeJeune Rd, Ste 202, Coral Gables, FL 33134	No relevant cases

ADDITIONAL INFORMATION

The PTP is made up of transit and roadway projects developed for voter approval developed by the County specifically to be funded with surtax proceeds.

<https://www.miamidade.gov/citt/peoples-transportation-plan.asp>

APPLICABLE LEGISLATION/POLICY

Florida Statutes, Chapter 287.055 Governs 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/Sections/0287.055.html

Section 29-124(f) of the County Code (Special fund created; uses of surtax proceeds; and role of Citizens' Independent Transportation Trust) 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

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIIICOR_CH29TA_ARTXVIONHAONPECHCOTRSYSASUAUSE212.0551FLST2001S29-124SPFUCRUSSUPPROCIINTR

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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 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

Section 2-10.4(7) of the County Code, provides each contract for professional services shall contain a prohibition against contingent fees, as required by Chapter 287, Florida Statutes. For the breach or violation of this provision the County Commission may terminate the agreement without liability or, at its discretion, deduct from the contract price, or otherwise recover, the full amount of such fee, commission, percentage, gift or consideration.

https://library.municode.com/fl/miami-dade-county/codes/code-of-ordinances?nodeId=PTIICOOR_CH2AD_ARTIINGE_S2-10.4ACPRARENLAARLASUMASE

Administrative Order 3-39 Establishes the standard procedures for user departments to implement, classify, track, monitor and report capital construction projects unless specifically exempted by State or federal law.

<http://www.miamidade.gov/aopdfdoc/aopdf/pdffiles/AO3-39.pdf>

Resolution No. R-187-12, adopted February 21, 2012, Directs the Mayor to include due diligence information in memoranda recommending certain contract awards.

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

Resolution No. R-42-10, adopted January 21, 2010, authorizing execution of an amendment to Kimley-Horn and Associates to provide additional funding in the amount of \$2,160,000 for the Countywide Implementation of the Peoples Transportation Plan related to the completion of phases 1 and 2 of the Advanced Traffic Management System (ATMS)

<http://intra/gia/matter.asp?matter=093155&file=true&yearFolder=Y2009>

Resolution No. R-97-12, adopted January 26, 2012, authorizing execution of an amendment to Kimley-Horn and Associates to provide additional funding in the amount of \$3,900,000 for the Countywide Implementation of the Peoples Transportation Plan related to the completion of phases 1 and 2 of the Advanced Traffic Management System (ATMS)

<http://intra/gia/matter.asp?matter=112567&file=true&yearFolder=Y2011>

Resolution No. R-612-14, adopted July 1, 2014, authorizing execution of an amendment to Kimley-Horn and Associates to provide additional two-year period.

<http://intra/gia/matter.asp?matter=141348&file=true&yearFolder=Y2014>

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Resolution No. R-575-16, adopted June 21, 2016, authorizing execution of an amendment to Kimley-Horn and Associates to provide additional funding in the amount of \$3,850,000 for the Countywide Implementation of the Peoples Transportation Plan related to the completion of phases 1 and 2 of the Advanced Traffic Management System (ATMS)

<http://intra/gia/matter.asp?matter=161221&file=true&yearFolder=Y2016>

Resolution No. R-421-16, adopted May 17, 2016, Directs the Mayor or Mayor's designee to attach to all items recommending Design and/or Construction Contract Awards of \$1,000,000/00 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 contractors work.

<http://intra/gia/matter.asp?matter=160124&file=true&yearFolder=Y2016>

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**Item No. 3FF
File No. 193055**

Researcher: JFP Reviewer: PGE

RESOLUTION APPROVING AN OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF IMPROVEMENTS ON SW 211 STREET AT SR 989/SW 112 AVENUE; 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 an Off-System Construction and Maintenance Agreement between the County and the Florida Department of Transportation (FDOT) to allow FDOT to construct and complete improvements on SW 211 Street at SR 989/SW 112 Avenue.

PROCEDURAL HISTORY

Prime Sponsor: None

Department/Requester: Transportation and Public Works

This item has no procedural history.

ANALYSIS

The purpose of this item is to facilitate FDOT's construction of improvements on SW 211th Street at SR 989/Allapattah Road/SW 112th Avenue, within the County's right-of-way, via an Off-System Construction and Maintenance Agreement—required due to the road not being on the State Highway System. The construction of this project, which is located in Districts 8 and 9, will be at no cost to the County, as the estimated cost of \$250,000 for the improvements in the defined County area will be funded by FDOT. The County is, however, responsible for providing maintenance operations within the County's right-of-way upon project completion. FDOT's construction cost for the overall project is \$1.2 million, the scope of which includes the following:

- Milling and resurfacing of SR 989;
- Widening SR 989 to provide a northbound dual left turn lane and extend northbound right turn lane;
- Milling and resurfacing of SW 211th Street for approximately 300 feet east and west of the SR 989 intersection;
- Minor widening at SW 211th Street median to extend the westbound left turn lane;
- Signalization improvement at the intersection of SR 989 and SW 211th Street;
- Modifications of drainage to address new conditions on SR 989; and
- Upgrading and adding new signing and pavement markings, and traffic signage.

FDOT will complete all aspects of the project, including the design, construction, construction inspection, utilities, and securing of permits and easements.

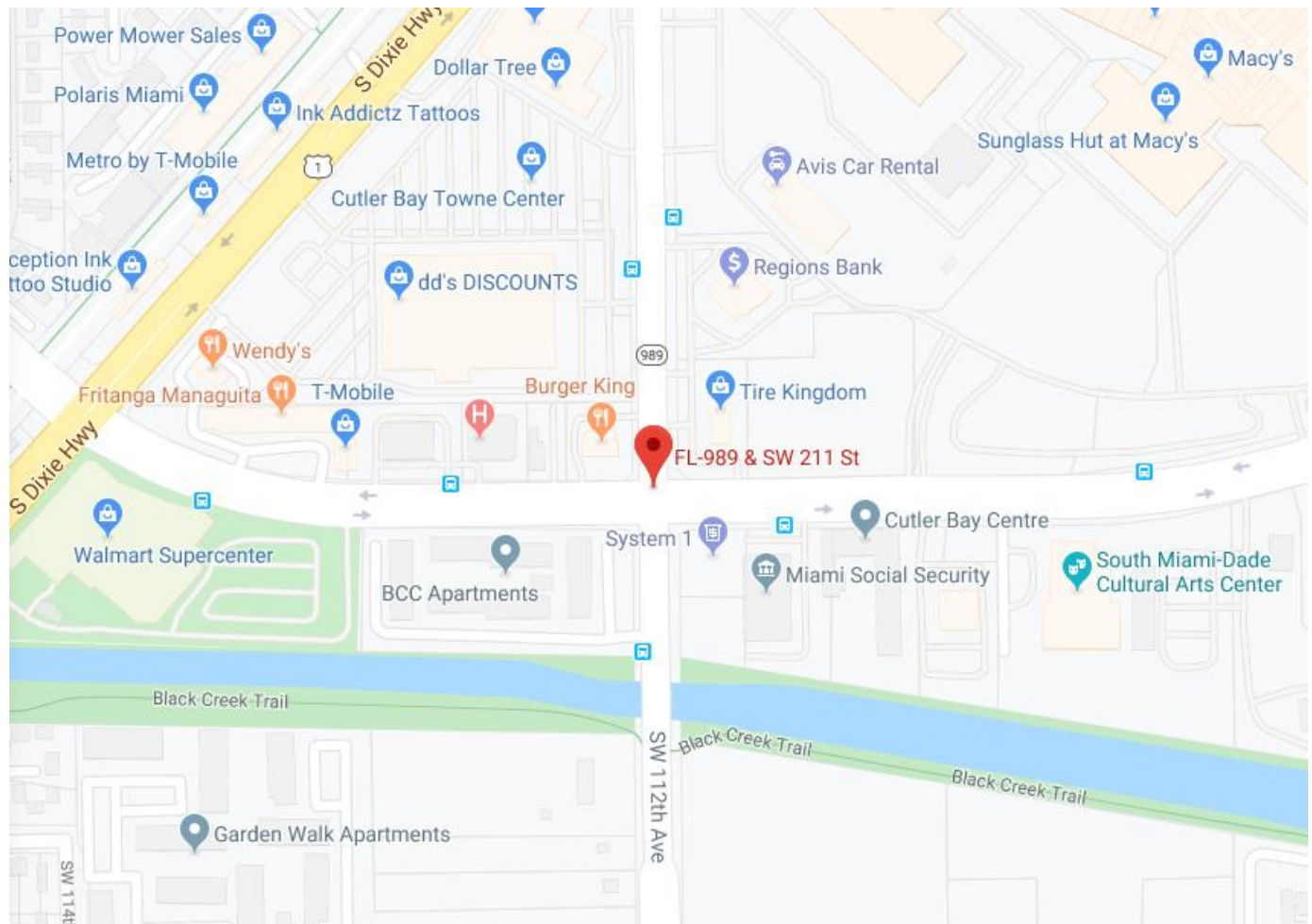
Construction will necessitate temporary workday lane closures during non-peak hours in order to minimize the effect on traffic. Access and egress to and from adjacent neighborhoods and businesses as well as pedestrian traffic will not be interrupted. According to FDOT's Project Fact Sheet, work is expected to begin July 2021, with completion expected March 2022. A public meeting regarding the project was held on September 12, 2018 at the South Dade Regional Library.

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The location of the project is illustrated in the image below.



ADDITIONAL INFORMATION

Florida Department of Transportation

<http://www.fdotmiamidade.com/design-projects/south-miami-dade/sr-989allapattah-rd-at-sw-211-st-1.html>

FDOT Project Fact Sheet - State Road (SR) 989/Allapattah Road at SW 211 Street

[file:///s0143234/BCCVDI/OCA/JFPROENZA/Downloads/439916 Allapattah RD at SW 211 Street Design FS EN1%20\(3\).pdf](file:///s0143234/BCCVDI/OCA/JFPROENZA/Downloads/439916%20Allapattah%20RD%20at%20SW%20211%20Street%20Design%20FS%20EN1%20(3).pdf)