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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: November 6, 2007

Agenda Item No. 8(J)(1)(C)

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Approving the Supplemental Joint Participation Agreement with the Florida Department of Transportation to Provide State Funding for the Construction of a Pedestrian Overpass at the South Miami Metrorail Station in the Amount of $1,045,000

R-1220-07

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the execution of a Supplemental Joint Participation Agreement (SJPA) in substantially the form attached hereto with the Florida Department of Transportation (FDOT) to provide State funding in the amount of $1,045,000 for preliminary engineering, final design, right of way, construction and design services during construction of a pedestrian overpass at the South Miami Metrorail Station. It is further recommended that the Board authorize the receipt and expenditure of funds as specified in this agreement, and commit up to $1,045,000 in Charter County Transit System Surtax (Surtax) funds as a local match.

SCOPE

While this pedestrian overpass is physically located within Commission District 7, the impact of the project benefits the riding public, and is therefore, countywide.

FISCAL IMPACT/FUNDING SOURCE

The County will utilize current or future Surtax funding in the amount of $1,045,000 to provide the required local match for this SJPA.

The total project cost estimate is $6.2 million. The FDOT had previously provided $450,000 towards this project (Resolution No. R-725-04), bringing the State contribution to date to $1,495,000. In addition, $990,029 in FY 02 Federal earmarked funds were provided by the Federal Transit Administration (FTA) to fund the engineering and design of the South Miami Pedestrian Overpass. The balance of the project cost will be provided from additional Surtax funds. However, should additional State funding become available in the future, that funding would serve to further reduce the amount provided by the Surtax.

This overpass was one of four sites included in the Summary of Miscellaneous Capital Improvement Projects recommended for inclusion in the People's Transportation Plan (PTP) on July 29, 2003 by the Citizen's Independent Transportation Trust (CITT) and approved by the Board on October 9, 2003 through Resolution No. R-1154-03.

TRACK RECORD/MONITOR

Miami-Dade Transit (MDT) has entered into numerous funding agreements with FDOT over the course of more than 25 years. The Project Manager for this grant application is Doug Greist, Manager, MDT Budget and Management Services.

BACKGROUND

The Intermodal Development Program was created in s. 314.053, Florida Statutes. Its purpose is to provide for major capital investments in fixed-guideway transportation systems, access to seaports, airports, and other transportation terminals, provide for the construction of intermodal or multimodal terminals and to otherwise facilitate the intermodal or multimodal movement of people and goods. Undertaking fixed guideway improvements for Metrorail such as construction of pedestrian overpasses is also considered as an eligible goal under this program.

On May 11, 2004, the Board by Resolution approved a grant application with the United States Department of Transportation (USDOT) for $990,029 in FY 02 Federal earmarked funds provided by the Federal Transit Administration (FTA) towards the engineering and design of the South Miami Pedestrian Overpass. On June 8, 2004, the Board approved Resolution No. R-725-04, a Joint Participation Agreement (JPA) in the amount of $450,000 with FDOT, to provide State funding for the preliminary engineering and design of a pedestrian overpass at the South Miami Metrorail Station.

As described in the original JPA, project funding provides for preliminary engineering and design of a pedestrian overpass as the South Miami Metrorail Station. This SJPA provides additional funding for preliminary engineering and design, while also incorporating right-of-way acquisition, construction, and design services during construction as eligible costs. While the Federal funding mentioned earlier reduces the cost required by FDOT and matching Surtax funds to complete the entire project, it is not incorporated as part of this agreement, since State funds only match up to 50% of the non-Federal portion of the project.

The South Miami Metrorail Station complex, located at the northwest corner of the intersection of US-1 (South Dixie Highway) and SW 72nd Street (Sunset Drive), is a transportation facility that includes the Metrorail Station, a structural parking garage and connections to the Metrobus and the City of South Miami Downtown Trolley. In addition, the City of South Miami believes the development of the pedestrian overpass will improve safe access to the retail and residential areas east of US-1 (SR 5) from the Metrorail Station on the west side of US-1.

Final design is expected to be completed in the Spring of 2008 with construction to be completed by Spring of 2010.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: November 6, 2007

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 8(J)(1)(C)

Please note any items checked.

_____ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised

_____ 6 weeks required between first reading and public hearing

_____ 4 weeks notification to municipal officials required prior to public hearing

_____ Decreases revenues or increases expenditures without balancing budget

_____ Budget required

_____ Statement of fiscal impact required

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(J)(1)(C)
11-06-07

RESOLUTION NO. **R-1220-07**

RESOLUTION APPROVING THE EXECUTION OF A SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT (SJPA) WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) TO PROVIDE STATE FUNDS IN THE AMOUNT OF $1,045,000 FOR THE SOUTH MIAMI METRORAIL STATION PEDESTRIAN OVERPASS; AUTHORIZING THE RECEIPT AND EXPENDITURE OF FUNDS; AND COMMITTING UP TO $1,045,000 IN CHARTER COUNTY TRANSIT SYSTEM SURTAX FUNDS AS A LOCAL MATCH AS SPECIFIED IN THE SJPA

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference; and

WHEREAS, pedestrian overpasses were added to the People's Transportation Plan through Resolution No. R-1154-03, approved on October 9, 2003; and

WHEREAS, the State of Florida is authorized to enter into agreements to provide State funding for transportation programs and projects,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. That this Board approves the agreement between Miami-Dade County and the Florida Department of Transportation, in substantially the form attached hereto and made a part hereof, to provide State funding in the amount of $1,045,000 for preliminary engineering, final design, right of way acquisition, construction, and design services during construction of a pedestrian overpass at the South Miami Metrorail Station.

Section 2. That this Board further authorizes the County Mayor, his designee, or the Miami-Dade Transit (MDT) Director to execute such contracts and agreements as are approved by the County Attorney's Office; to receive and expend funds in accordance with such aforementioned contracts and agreements; and to file and execute any additional agreements, revisions, or amendments as required to carry out the projects for and on behalf of Miami-Dade County, Florida.

Section 3. That the County staff is authorized to furnish such additional information as the FDOT may require in connection with the application for the project.

Section 4. That the Board approves the use of up to $1,045,000 Charter County Transit System Surtax funds to serve as a local match.

The foregoing resolution was offered by Commissioner **Jose "Pepe" Diaz** who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **absent**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of November, 2007. This resolution shall become effective as follows: (1) ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board, and (2) either i) the Citizens' Independent Transportation Trust (CITT) has approved same, or ii) in response to the CITT's disapproval, the County Commission re-affirms its award by two-thirds (2/3) vote of the Commission's membership and such reaffirmation becomes final.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

KAY SULLIVAN
Deputy Clerk

Approved by County Attorney
as to form and legal sufficiency.

Bruce Libhaber

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

PUBLIC TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT
Number 1

Financial Project No.: 41323819401/41323839401 (item-segment-phase-sequence)	Fund: DDR / DS	FLAIR Approp.: 088809
	Function: 639	FLAIR Obj.: 750098
	Federal No.: N/A	Org. Code: 55062020629
Contract No.: ANK27	DUNS No.: 13-572-2747	Vendor No.: F596000573129
Catalog of Federal Domestic Assistance Number: N/A		Catalog of State Financial Assistance Number: 55014

THIS AGREEMENT, made and entered into this _____ day of _____, _____, by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter referred to as the Department, and Miami Dade Transit Agency 111 NE 1st Street, 9th Floor, Miami FL 33128 hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on the 25th day of June ,2004, entered into a Joint Participation Agreement; and

WHEREAS, the Agency desires to accomplish certain project items as outlined in the Attachment "A" appended hereto; and

WHEREAS, the Department desires to participate in all eligible items for this project as outlined in Attachment "A" for a total Department Share of $1,495,000.00.

NOW, THEREFORE THIS INDENTURE WITNESSETH: that for and in consideration of the mutual benefits to flow from each to the other, the parties hereto agree that the above described Joint Participation Agreement is to be amended and supplemented as follows:

1.00 Project Description: The project description is amended

The project description is amended to provide Department Intermodal Program Funding for preliminary engineering, final design, right of way acquisition, and construction of a pedestrian overpass at the South Miami Metrorail Station. Development of a pedestrian overpass will improve safe access to the retail and residential areas east of US-1 (SR-5) from the Metrorail Station located on the west side of US-1. State participation rate is 50% of eligible cost. This agreement is also being amended to include Exhibit D and to multi-year fund this agreement with FY 2011 funds. Reimbursement for these funds will be done in 2011 when the funding becomes available.FY 2011 funds cannot be reimbursed prior to July 2010.

2.00 Project Cost:

Paragraph 3.00 of said Agreement is increased by $2,090,000.00

bringing the revised total cost of the project to $ 2,990,000.00 .

Paragraph 4.00 of said Agreement is increased by $1,045,000.00

bringing the Department's revised total cost of the project to $ 1,495,000.00 .

3.00 Amended Exhibits:

Exhibit(s) A, B, & D of said Agreement is amended by Attachment "A".

4.00 Contract Time:

Paragraph 18.00 of said Agreement December 31st ,2008 .

Financial Project No. 41323819401

Contract No. ANK27

Agreement Date _____

Except as hereby modified, amended or changed, all other terms of said Agreement dated June 25th 2004 and any subsequent supplements shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed, the day and year first above written.

AGENCY

Miami Dade Transit Agency
AGENCY NAME

SIGNATORY (PRINTED OR TYPED)

SIGNATURE

TITLE

FDOT

See attached Encumbrance Form for date of Funding Approval by Comptroller

LEGAL REVIEW
DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

D6 Director of Transportation Systems Development
TITLE

Approved as to form
and Legal Sufficiency
Bruce Zelkha
Assistant County Attorney
October 4, 2007
Date

Financial Project No. 41323819401

Contract No. ANK27

Agreement Date _____

ATTACHMENT "A"
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

This Attachment forms an integral part of that certain Supplemental Joint Participation Agreement between the State of Florida, Department of Transportation and Miami Dade Transit Agency 111 NE 1st Street, 9th Floor, Miami FL 33128 dated _____.

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

The project description is amended to provide Department Intermodal Program Funding for preliminary engineering, final design right of way acquisition, and construction operations of a pedestrian overpass at the South Miami Metrorail Station. Development of a pedestrian overpass will improve safe access to the retail and residential areas east of US-1 (SR-5) from the Metrorail Station located on the west side of US-1. State participation rate is 50% of eligible cost. This agreement is also being amended to include Exhibit D. This amendment is also to pre-qualify these phases' expenses for 2011

I.	Project Cost:	As Approved	As Amended	Net
		$900,000.00	$2,990,000.00	$2,090,000.00
	Total Project Cost	$900,000.00	$2,990,000.00	$2,090,000.00

I.	Fund	As Approved	As Amended	Net
	Department:	$450,000.00	$1,495,000.00	$1,045,000.00
	Agency:	$450,000.00	$1,495,000.00	$1,045,000.00
		$0.00	$0.00	$0.00
	Total Project Cost	$900,000.00	$2,990,000.00	$2,090,000.00

Comments:

This SJPA No.1 provides multi-year funding.



The job FI989HLR; user I.D. FI989HL <MVS@DOT>
07/10/2007 04:48 PM

To PT629PB@dot.state.fl.us
cc
bcc
Subject FUNDS APPROVAL/REVIEWED FOR CONTRACT ANK27

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL

Contract #ANK27 Contract Type: AH Method of Procurement: G
Vendor Name: MIAMI-DADE TRANS
Vendor ID: VF596000573129
Beginning date of this Agmt: 06/25/04
Ending date of this Agmt: 12/31/12
Contract Total/Budgetary Ceiling: ct = $1,495,000.00

****

Description:
41323819401;41323819401;

****

ORG-CODE *EO *OBJECT *AMOUNT *FIN PROJECT *FCT *CFDA
(FISCAL YEAR) *BUDGET ENTITY *CATEGORY/CAT YEAR
AMENDMENT ID *SEQ. *USER ASSIGNED ID *ENC LINE(6S)/STATUS

****

Action: SUPPLEMENTAL Funds have been: REVIEWED*

55 062020629 *PT *750098 * 1045000.00 *41323839401 *639 *
2011 55100100 088809 11
S001 *00 * 1 * /04
*Funds Approval and encumbrance processing is contingent upon Annual Legislative appropriation.

TOTAL AMOUNT: *$ 1,045,000.00 *

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER
DATE: 07/10/2007

11

EXHIBIT D

Financial Project No. 41323819401
Contract No. ANK27

FEDERAL and/or **STATE** resources awarded to the recipient pursuant to this agreement should be listed below. If the resources awarded to the recipient represent more than one Federal or State program, provide the same information for each program and the total resources awarded. **Compliance Requirements** applicable to each Federal or State program should also be listed below. If the resources awarded to the recipient represent more than one program, list applicable compliance requirements for each program in the same manner as shown here:

- (e.g., What services or purposes the resources must be used for)
- (e.g., Eligibility requirements for recipients of the resources)
- (Etc...)

NOTE: Instead of listing the specific compliance requirements as shown above, the State awarding agency may elect to use language that requires the recipient to comply with the requirements of applicable provisions of specific laws, rules, regulations, etc. The State awarding agency, if practical, may want to attach a copy of the specific law, rule, or regulation referred to.

FEDERAL RESOURCES

Federal Agency	Catalog of Federal Domestic Assistance (Number & Title)	Amount

Compliance Requirements

1.
2. N/A
3.

STATE RESOURCES

State Agency	Catalog of State Financial Assistance (Number & Title)	Amount
FDOT	55.014 Intermodal Development Program	$ 450,000

Compliance Requirements

In developing audit procedures to test compliance with the requirements for a state project, the auditor should first look to Part Two, Matrix of Compliance Requirements, to identify which of the 10 types of compliance requirements described in Part Three of the Compliance Supplement are applicable and then look to Parts Three and Four for the details of the requirements.

Activities Allowed

The department is authorized to fund projects within the Intermodal Development Program, which are consistent, to the maximum extent feasible, with approved local government comprehensive plans of the units of local government in which the project is located. Projects that are eligible for funding under this program include major capital investments in public rail and fixed-guideway transportation facilities and systems which provide intermodal access; road, rail, intercity bus service, or fixed-guideway access to, from, or between seaports, airports, and other transportation terminals; construction of intermodal or multimodal terminals; development and construction of dedicated bus lanes; and projects which otherwise facilitate the intermodal or multimodal movement of people and goods.
(Section 341.053(6), Florida Statutes)

Matching

Matching requirements are as follows:
(a) The department may fund up to 50 percent of the nonfederal share of the costs, not to exceed the local share, of any eligible public transit capital project or commuter assistance project that is local in scope; except, however, that departmental participation in the final design, right-of-way acquisition, and construction phases of an individual fixed-guideway project which is not approved for federal funding shall not exceed an amount equal to 12.5 percent of the total cost of each phase.

(b) The department is authorized to fund up to 100 percent of the cost of any eligible transit capital project, intercity bus service project, or commuter assistance project that is statewide in scope or involves more than one county where no other governmental entity or appropriate jurisdiction exists.

(c) The department is authorized to advance up to 80 percent of the capital cost of any eligible project that will assist Florida's transit systems and intercity bus services in becoming fiscally self-sufficient. Such advances shall be reimbursed to the department on an appropriate schedule not to exceed 5 years after the date of provision of the advances.

(d) The department is authorized to fund up to 100 percent of the capital and net operating costs of statewide transit service development projects or transit corridor projects. All transit service development projects shall be specifically identified by way of a departmental appropriation request, and transit corridor projects shall be identified as part of the planned improvements on each transportation corridor designated by the department. The project objectives, the assigned operational and financial responsibilities, the timeframe required to develop the required service, and the criteria by which the success of the project will be judged shall be documented by the department for each such transit service development project or transit corridor project.

(e) The department is authorized to fund up to 50 percent of the capital and net operating costs of transit service development projects that are local in scope and that will improve system efficiencies, ridership, or revenues. All such projects shall be identified in the appropriation request of the department through a specific program of projects, as provided for in s. 341.041, that is selectively applied in the following functional areas and is subject to the specified times of duration:

1. Improving system operations, including, but not limited to, realigning route structures, increasing system average speed, decreasing deadhead mileage, expanding area coverage, and improving schedule adherence, for a period of up to 3 years;

2. Improving system maintenance procedures, including, but not limited to, effective preventive maintenance programs, improved mechanics training programs, decreasing service repair calls, decreasing parts inventory requirements, and decreasing equipment downtime, for a period of up to 3 years;

3. Improving marketing and consumer information programs, including, but not limited to, automated information services, organized advertising and promotion programs, and signing of designated stops, for a period of up to 2 years; and

4. Improving technology involved in overall operations, including, but not limited to, transit equipment, fare collection techniques, electronic data processing applications, and bus locators, for a period of up to 2 years.

(f) The department may fund up to 100 percent of the federal-aid apportionment for intercity bus service.

For purposes of this section, the term "net operating costs" means all operating
(Section 341.051(5), Florida Statutes)

EXHIBIT D

Matching Resources for Federal Programs

Federal Agency	Catalog of Federal Domestic Assistance (Number & Title)	Amount

Compliance Requirements

1.
2. N/A
3.

NOTE: Section .400(d) of OMB Circular A-133, as revised, and Section 215.97(5)(a), Florida Statutes, require that the information about Federal Programs and State Projects included in this exhibit be provided to the recipient.

MIAMI-DADE COUNTY

Transit
111 NW 1st Street • Suite 910
Miami, Florida 33128-1999
T 305-375-5675 F 305-372-6150

miamidade.gov

ADA Coordination
Agenda Coordination
Animal Services
Art in Public Places
Audit and Management Services
Aviation
Building
Building Code Compliance
Business Development
Capital Improvements
Citizens' Independent Transportation Trust
Commission on Ethics and Public Trust
Communications
Community Action Agency
Community & Economic Development
Community Relations
Consumer Services
Corrections & Rehabilitation
Cultural Affairs
Elections
Emergency Management
Employee Relations
Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
Fair Employment Practices
Finance
Fire Rescue
General Services Administration
Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Miami-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraisal
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

February 15, 2007

Mr. L. Carl Filer, P.E.
Public Transportation Manager
Florida Department of Transportation
1000 NW 111th Avenue – Room 6114
Miami, Florida 33172

Re: Request for Pre-qualified JPA (FM 4132383)
South Miami Metrorail Station Pedestrian Overpass

Dear Mr. Filer: Carl

The purpose of this letter is to request a pre-qualified Joint Participation Agreement (JPA) for Fiscal Year 2011 funding to be provided for the above subject project, South Miami Metrorail Station Pedestrian Overpass, for a total of $1,000,000. This project would include Final Design, right-of-way acquisition, and construction. The original JPA of $450,000 for this project (FM 4132381) was for Preliminary Engineering and Design only, so this new JPA would reflect a revised scope from that original JPA.

In addition, if you can provide us with guidelines specific to our adherence to a pre-qualified JPA, we would appreciate it. Finally, we have attached a copy of the project scope and estimated cost breakdown for this project. The local match will come from the half cent surtax.

Once we receive the final JPA from your office, we will provide you with a partially executed copy along with the applicable BCC resolution.

Thank you for your continued support. If you have any questions, please contact me at (305) 375-3219.

Sincerely,

Douglass J. Greist, Manager
Grants Administration

Attachment

South Miami Pedestrian Overpass

Scope of Work:

The scope of work is being revised to include right of way acquisition and construction of a pedestrian overpass at the South Miami Metrorail Station in addition to the original scope which included preliminary engineering and design. Final Design is expected to be completed in February 2008, right of way acquisition is expected to be completed in July 2008 and the construction is expected to be completed in February 2010.

The South Miami Metrorail Station complex located at the northwest corner of the intersection of US 1 (South Dixie Highway) and SW 72nd Street (Sunset Drive) is a transportation facility that includes the Metrorail Station, a structural parking garage and connections to Metro buses and the Downtown Trolley. The station complex contains a five-story parking garage located on the west side of the Station. The City of South Miami believes that the pedestrian overpass will improve the use of Metrorail facilities while increasing pedestrian safety and commercial activity in the area.

Project Cost:

Design	$ 465,864
Right of Way	$1,523,000
Construction	$3,835,000
	$5,823,864