

Memorandum



Date: March 16, 2021

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

Subject: Resolution Retroactively Authorizing the Application for and Acceptance of Grant Funds from the Environmental Protection Agency Diesel Emission Reduction Act National Grants Program to the Department of Solid Waste Management

Agenda Item No. 3(B)(2)

Resolution No. R-203-21

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Recommendation

Miami-Dade County applied for, and on August 21, 2020, received a grant award from the United States Department of Environmental Protection Agency (EPA), Diesel Emission Reduction Act National Grants program. It is recommended that the Board of County Commissioners (Board) approve this item to:

- Retroactively authorize the County Mayor or the County Mayor's designee's action in applying for grant funds from the EPA, Diesel Emission Reduction Act National Grants Program in the amount of \$1,852,500 for a two-year project.
- Retroactively authorize the County Mayor or the County Mayor's designee's action in accepting the grant award, executing a grant award agreement with the EPA, and receiving and expending the grant funds.
- Authorize the County Mayor or the County Mayor's designee to execute any amendments to the grant application for and on behalf of the County; and to execute such contracts, agreements, memoranda of agreements, and amendments as may be required by program guidelines, after review by the County Attorney's Office for form and legal sufficiency. Also, to extend such contracts, agreements, and memoranda of agreements as required by program guidelines.
- Authorize the County Mayor or the County Mayor's designee to apply for and receive additional future funds that may become available under this program; to execute such contracts, agreements, memoranda of agreements, and amendments as may be required by the County with respect to such future available funds, after review by the County Attorney's Office for form and legal sufficiency; and to exercise termination and modification clauses of any such contracts and agreements, after review by the County Attorney's Office for form and legal sufficiency.

Scope

The County, through the Department of Solid Waste Management (DSWM), received grant funds in the amount of \$1,852,500 to implement the "Miami-Dade County Department of Solid Waste Management Refuse Vehicle Replacement Project". Funding will be used to support the purchase of twenty-three (23) Automated Garbage Side Loader vehicles and two (2) Truck Tractors. These new, cleaner diesel vehicles will achieve a reduction in fuel consumption and emissions.

Fiscal Impact/Funding Source

The grant award is for \$1,852,500. A mandatory cost share of 75 percent (75%) is pledged by the department, and DSWM has budgeted \$5,557,500 to provide the difference between the grant award maximum and the total equipment cost of \$7,410,000.

Track Record/Monitor

DSWM has an extensive history of managing similar EPA grant projects. The department will handle project implementation and management; monitor/process the disbursement and expenditure of grant funds; and manage programmatic and fiscal reporting in accordance with project reporting and auditing procedures stipulated by the EPA.

Delegated Authority

The County Mayor or the County Mayor’s designee will be authorized to execute any amendments to the grant application for and on behalf of the County; execute such contracts, agreements, memoranda of agreements, and amendments as may be required by program guidelines, after review by the County Attorney’s Office for form and legal sufficiency; and extend such contracts, agreements, and memoranda of agreements as required by program guidelines. The County Mayor or County Mayor’s designee will also be authorized to apply for and receive additional future funds that may become available under this program; to execute such contracts, agreements, memoranda of agreements, and amendments as may be required by the County with respect to such future available funds, after review by the County Attorney’s Office for form and legal sufficiency; and to exercise termination and modification clauses of any such contracts and agreements, after review by the County Attorney’s Office for form and legal sufficiency. The delegation of authority to amend grant applications and grant contracts is limited to amendments that do not have a negative fiscal impact on the County and are necessary under the program guidelines for the receipt of any grant funds including future grant funds.

Background

One of the most important air quality challenges facing the country is reducing emissions from diesel engines. Although EPA has diesel engine and fuel standards for new engines, there are millions of legacy diesel engines in use that continue to emit large amounts of Nitrogen Oxides (NOx) and Particulate Matter (PM_{2.5}). This contributes to serious health problems including asthma, lung cancer and other cardiac and respiratory diseases that result in too many premature deaths, lost workdays, and other negative health issues that occur each year.

To address diesel emissions, protect public health and air quality, EPA is authorized under Diesel Emission Reduction Act (DERA) to offer funding assistance to accelerate the upgrade and turnover of legacy diesel fleet. DERA supports environmental justice by prioritizing emissions reductions in areas receiving disproportionate impacts from diesel fleets to provide an environment where all people enjoy the same degree of protection from environmental and health hazards. In an attempt to alleviate the environmental impact on degrading air quality, the proposed “DSWM Refuse Vehicle Replacement Project” will target routes serving areas disproportionately impacted by diesel emissions, which include neighborhoods with a high percentage of disadvantaged and at-risk children, and elderly residents and others affected by respiratory illnesses and pulmonary diseases.

DSWM's plan to reduce its mobile source emissions includes purchasing and replacing old refuse trucks with newer cleaner diesel vehicles. The Automated Garbage Side Loader Vehicles will be used to provide garbage services to residents in the DSWM waste collection service area and the Truck Tractors (along with trailers) will transport waste received at DSWM facilities to a final disposal location. The new vehicles will have an average expected life of seven (7) years and will perform the same function as the current trucks. The current vehicles will be retired, as required by EPA. The implementation of this project will allow DSWM to continue enhancement of its fleet with improved technology, and a cleaner fuel alternative, while assisting the EPA in meeting its goal to achieve significant reductions in diesel emissions and helping to optimize public health in Miami-Dade County.

The short turnaround time imposed by the application deadline did not allow sufficient time for the processing of the resolution and its submission to the Board prior to submission of the grant application and the receipt of the grant award.



Jimmy Morales, Chief Operations Officer

| | | | |
|---|--|--|--|
|  | U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment | GRANT NUMBER (FAIN): 01D14020 MODIFICATION NUMBER: 1 PROGRAM CODE: DE | DATE OF AWARD 08/14/2020 |
| | | TYPE OF ACTION Augmentation: Increase | MAILING DATE 08/21/2020 |
| | | PAYMENT METHOD: ASAP | ACH# 40990 |
| RECIPIENT TYPE: County | | Send Payment Request to: Research Triangle Park Finance Center | |
| RECIPIENT: Miami -Dade County/Solid Waste Mgmt 111 NW First Street Miami, FL 33128-1994 EIN: 59-6000573 | | PAYEE: MD SolidWste - Miami -Dade County/Solid Waste Mgmt 111 NW First Street Miami, FL 33128 | |
| PROJECT MANAGER Danny Diaz 111 NW First Street Miami, FL 33128-1994 E-Mail: Danny.Diaz@miamidade.gov Phone: (305) 514-6691 | | EPA PROJECT OFFICER Angela Isom 61 Forsyth Street Atlanta, GA 30303-8960 E-Mail: isom.angela@epa.gov Phone: 404-562-9092 | |
| EPA GRANT SPECIALIST Michael Morrisette Grants & Audit Management Section E-Mail: morrisette.michael@epa.gov Phone: 404-562-9551 | | | |
| PROJECT TITLE AND EXPLANATION OF CHANGES National Clean Diesel Funding Assistance Program (B) This action approves an increase in the amount of \$225,363 to Miami-Dade County to support their efforts reducing diesel emissions and exposure in unincorporated Miami-Dade County and the municipalities of Aventura, Cutler Bay, Doral, Miami Gardens, Miami Lakes, Opa-Locka, Palmetto Bay, Pinecrest and Sunny Isles Beach. | | | |
| BUDGET PERIOD 09/30/2020 - 08/31/2022 | PROJECT PERIOD 09/30/2020 - 08/31/2022 | TOTAL BUDGET PERIOD COST \$7,410,000.00 | TOTAL PROJECT PERIOD COST \$7,410,000.00 |
| NOTICE OF AWARD | | | |
| Based on your Application dated 02/26/2020 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$225,363. EPA agrees to cost-share <u>25.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$1,852,500. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments. | | | |
| ISSUING OFFICE (GRANTS MANAGEMENT OFFICE) | | AWARD APPROVAL OFFICE | |
| ORGANIZATION / ADDRESS 61 Forsyth Street Atlanta, GA 30303-8960 | | ORGANIZATION / ADDRESS U.S. EPA, Region 4 Air and Radiation Division 61 Forsyth Street S.W. Atlanta, GA 30303 | |
| THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY | | | |
| Digital signature applied by EPA Award Official Keva R. Lloyd - Grants Management Officer | | | DATE 08/14/2020 |

EPA Funding Information

| FUNDS | FORMER AWARD | THIS ACTION | AMENDED TOTAL |
|-------------------------------|--------------|-------------|---------------|
| EPA Amount This Action | \$ 1,627,137 | \$ 225,363 | \$ 1,852,500 |
| EPA In-Kind Amount | \$ 0 | \$ 0 | \$ 0 |
| Unexpended Prior Year Balance | \$ 0 | \$ 0 | \$ 0 |
| Other Federal Funds | \$ 0 | \$ 0 | \$ 0 |
| Recipient Contribution | \$ 5,557,500 | \$ 0 | \$ 5,557,500 |
| State Contribution | \$ 0 | \$ 0 | \$ 0 |
| Local Contribution | \$ 0 | \$ 0 | \$ 0 |
| Other Contribution | \$ 0 | \$ 0 | \$ 0 |
| Allowable Project Cost | \$ 7,184,637 | \$ 225,363 | \$ 7,410,000 |

| Assistance Program (CFDA) | Statutory Authority | Regulatory Authority |
|---|---|---------------------------------------|
| 66.039 - National Clean Diesel Funding Assistance Program (B) | Diesel Emissions Reduction Act of 2010 codified at 42 U.S.C. 16131 et seq Further Consolidated Appropriations Act 2020 (P.L. 116-94) | 2 CFR 200 2 CFR 1500 and 40 CFR 33 |

| Fiscal | | | | | | | | | |
|-----------|------------|----|--------------|---------------------|--------|--------------|--------------|-------------------|---------------------------|
| Site Name | Req No | FY | Approp. Code | Budget Organization | PRC | Object Class | Site/Project | Cost Organization | Obligation / Deobligation |
| - | 2004VW0184 | 19 | E4D | 04V2 | 000AH4 | 4122 | | | 225,363 |
| | | | | | | | | | 225,363 |

Budget Summary Page

| Table A - Object Class Category (Non-construction) | Total Approved Allowable Budget Period Cost |
|--|--|
| 1. Personnel | \$0 |
| 2. Fringe Benefits | \$0 |
| 3. Travel | \$0 |
| 4. Equipment | \$7,410,000 |
| 5. Supplies | \$0 |
| 6. Contractual | \$0 |
| 7. Construction | \$0 |
| 8. Other | \$0 |
| 9. Total Direct Charges | \$7,410,000 |
| 10. Indirect Costs: % Base | \$0 |
| 11. Total (Share: Recipient <u>75.00</u> % Federal <u>25.00</u> %.) | \$7,410,000 |
| 12. Total Approved Assistance Amount | \$1,852,500 |
| 13. Program Income | \$0 |
| 14. Total EPA Amount Awarded This Action | \$225,363 |
| 15. Total EPA Amount Awarded To Date | \$1,852,500 |

Administrative Conditions

All administrative terms and conditions remain the same.

Programmatic Conditions

All programmatic terms and conditions remain the same.



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: March 16, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(B)(2)

Please note any items checked.

- "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
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 3(B)(2)
3-16-21

RESOLUTION NO. _____ R-203-21

RESOLUTION RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE'S APPLICATION FOR GRANT FUNDS FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, DIESEL EMISSION REDUCTION ACT NATIONAL GRANTS PROGRAM IN THE AMOUNT OF \$1,852,500.00; RETROACTIVELY AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE'S ACCEPTANCE OF GRANT AWARD, EXECUTING A GRANT AWARD AGREEMENT WITH THE ENVIRONMENTAL PROTECTION AGENCY, AND RECEIVING AND EXPENDING GRANT FUNDS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUCH CONTRACTS, AGREEMENTS, MEMORANDA OF AGREEMENTS, AND AMENDMENTS AS MAY BE REQUIRED BY PROGRAM GUIDELINES, AND EXTEND SUCH CONTRACTS, AGREEMENTS, AND MEMORANDA OF AGREEMENTS AS REQUIRED BY PROGRAM GUIDELINES; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO APPLY FOR AND RECEIVE ADDITIONAL FUTURE FUNDS AVAILABLE FOR THIS PROJECT AND EXECUTE ANY CONTRACTS, AGREEMENTS, OR MEMORANDA OF AGREEMENT NECESSARY FOR RECEIPT OF SUCH FUTURE AVAILABLE FUNDS

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

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

Section 1. The matters contained in the foregoing recital and the accompanying County Mayor's memorandum are incorporated in this resolution by reference.

Section 2. This Board ratifies the County Mayor or County Mayor’s designee’s: (i) application for grant funds from the United States Environmental Protection Agency (“EPA”), Diesel Emission Reduction Act National Grants Program in the amount of \$1,852,500 for a 2 year project; (ii) acceptance of the grant award; and (iii) executing a grant award agreement with, and receiving and expending the grant funds from the EPA.

Section 3. This Board authorizes the County Mayor or County Mayor’s designee to: (i) execute any amendments to the grant application; (ii) receive any grant funds that are awarded for this project; (iii) execute and extend any contracts, agreements, memoranda of agreement, and amendments thereto as may be required by program guidelines; and (iv) exercise termination and modification provisions contained therein, all of which are subject to County Attorney’s Office approval. The authorization in this section to execute amendments to the grant application and to execute contract amendments is limited to amendments that do not have a negative fiscal impact on the County and are necessary under the program guidelines for the receipt of grant funds awarded for this project.

Section 4. This Board also authorizes the County Mayor or County Mayor’s designee to: (i) apply for and receive additional future funds available for the Department of Solid Waste Management Refuse Vehicle Replacement Project; and (ii) execute any contracts, agreements, memoranda of agreement, or amendments necessary for the receipt of additional available funds for this project, and exercise any termination and modification provisions contained therein, subject to the County Attorney’s Office’s approval. The authorization in this section to execute contract amendments is limited to amendments that do not have a negative fiscal impact on the County and are necessary under the program guidelines for the receipt of additional available funds for this project.

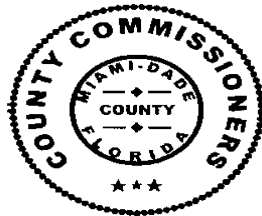
The foregoing resolution was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

| | | | |
|----------------------|---------------------------------------|------------------------|------------|
| | Jose "Pepe" Diaz, Chairman | aye | |
| | Oliver G. Gilbert, III, Vice-Chairman | aye | |
| Sen. René García | aye | Keon Hardemon | aye |
| Sally A. Heyman | aye | Danielle Cohen Higgins | aye |
| Eileen Higgins | aye | Joe A. Martinez | aye |
| Kionne L. McGhee | aye | Jean Monestime | aye |
| Raquel A. Regalado | aye | Rebeca Sosa | aye |
| Sen. Javier D. Souto | aye | | |

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of March, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

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

HARVEY RUVIN, CLERK



By: Melissa Adames
Deputy Clerk

Approved by County Attorney as to form and legal sufficiency.

dsh

David Stephen Hope