

Memorandum



Date: June 15, 2021

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

Agenda Item No. 8(A)(1)

From: Daniella Levine Cava
Mayor

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

Resolution No. R-594-21

Subject: Resolution Ratifying Actions Related to Miami-Dade Aviation Department’s Ordinance No. 95-64, codified as Section 2-285(6) of the Code of Miami-Dade County

Recommendation

It is recommended that the Board of County Commissioners (Board) ratify the actions of the County Mayor or County Mayor’s designee pursuant to Miami-Dade Aviation Department’s (MDAD) Ordinance No. 95-64, codified as Section 2-285(6) of the Code of Miami-Dade County, in executing the Florida Department of Transportation (FDOT) grant agreement discussed herein and on Exhibit A, and attached as Exhibit B.

FDOT Grant

The subject agreement is Supplemental Joint Participation Agreement No. 3 to FDOT Joint Participation Agreement No. 429271-1-94-01 attached as Exhibit B for MDAD Project entitled: Miami International Airport (MIA) Perimeter Road Widening and Realignment, MDAD Project No. X061A (the “Project”).

FDOT has already funded \$11,336,000 of the total estimated project costs of \$29,838,616 through Joint Participation Agreement No. 429271-1-94-01, and Supplemental Joint Participation Agreement Nos. 1 and 2, which were previously approved the Board per Resolution Nos. R-806-17, R-278-18, and R-707-19, respectively. Under the initial Joint Participation Agreement, FDOT has the right to terminate its grant obligations for the Project if timely completion becomes improbable.

Due to the COVID-19 emergency and changes in the project implementation schedule, segments of the project scope were deferred to future periods beyond the December 31, 2021 expiration date of the initial Joint Participation Agreement. Subsequently, by way of Supplemental Joint Participation Agreement No. 3, FDOT is reducing the funding previously allocated for the Project by \$10,536,000, which will result in a remaining balance of \$800,000 in FDOT funding for the Project. The remaining \$800,000 in FDOT funding for the Project will offset project costs that have been or will be incurred prior to the December 31, 2021 expiration. The reduced funding has been reprogrammed for Fiscal Year 2026 when FDOT is expected to issue a \$10,500,000 grant for the Project in line with the updated project schedule.

Scope

The commission district of the project location is District 6, which is represented by Commissioner Rebeca Sosa as noted on Exhibit A. However, because MIA is a regional asset this project has a countywide impact.

Delegation of Authority

Pursuant to Section 2-285(6) of the Code of Miami-Dade County, subject to ratification by the Board, the County Mayor or County Mayor’s designee may execute all standard form federal grant documents or state joint participation agreements, including acceptance of grant or joint participation commitments required to be imposed by federal or state law as a condition to the County’s receiving grant or joint participation benefits. The attached resolution delegates to the County Mayor or County Mayor’s designee the authority to exercise all provisions, including the termination provisions, in Supplemental Joint Participation Agreement No. 3 attached as Exhibit B to this memorandum.

Fiscal Impact/Funding Source

The fiscal impact and funding sources to the County are detailed above and in Exhibit A, as attached.

Track Record/Monitoring

MDAD’s Division Director of Aviation Planning, Land-Use and Grants, Jose A. Ramos, will oversee the implementation of this grant.

Background

On April 6, 1995, the Board approved Ordinance No. 95-64 delegating to the County Mayor or County Mayor’s designee the authority to execute all standard form federal and state grant documents, including acceptance of grant or joint participation commitments required to be imposed by federal or state law as a condition to the County’s receiving grant or joint participation benefits, subject to Board ratification without prior need for Board approval.

Exhibit A includes the details of the FDOT grant for which ratification is being requested. Exhibit A contains the information bulleted below:

- Department Name
- Contract Type
- Grant Type
- Grant No.
- Contract No. / Project No.
- Project Name
- Firm Awarded
- Commission District
- Grant Amount
- Funding Source
- O&M Costs
- Estimated Start Date/Estimated End Date

Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners
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- Contract Measures: Small Business Enterprise (SBE) Goods & Services; SBE-Architectural/Engineering (A/E); SBE-Construction; Community Workforce Program (CWP)
- Brief Project Description

Attached is Supplemental Joint Participation Agreement No. 3 to FDOT Joint Participation Agreement No. 429271-1-94-01 as represented in this memorandum. Supplemental Joint Participation Agreement No. 3 has been executed by the County Mayor’s designee in accordance with MDAD Ordinance No. 95-64. Copies are available upon request from MDAD’s Governmental Affairs Division.

Attachments



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: June 15, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(A)(1)

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

Agenda Item No. 8(A)(1)

Veto _____

6-15-21

Override _____

RESOLUTION NO. _____ R-594-21

RESOLUTION RATIFYING THE ACCEPTANCE AND EXECUTION OF SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT NO. 3 TO JOINT PARTICIPATION AGREEMENT NO. 429271-1-94-01 WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR THE PURPOSE OF REDUCING FDOT'S CURRENT FUNDING FOR THE MIAMI INTERNATIONAL AIRPORT PERIMETER ROAD WIDENING AND REALIGNMENT PROJECT BY \$10,536,000.00 DUE TO DELAYS IN THE PROJECT SCHEDULE CAUSED BY THE COVID-19 PANDEMIC; AND AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS CONTAINED IN SAID AGREEMENT

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 this Board:

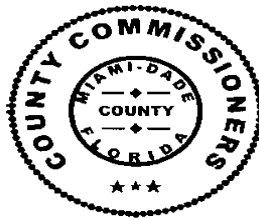
Section 1. Ratifies the acceptance and execution of Supplemental Joint Participation Agreement No. 3 to Joint Participation Agreement No. 429271-1-94-01 with the Florida Department of Transportation, which Supplemental Joint Participation Agreement is attached as Exhibit B to the accompanying memorandum.

Section 2. Authorizes the County Mayor or Mayor's designee to exercise all provisions contained in the above-referenced agreement, including the termination provisions.

The foregoing resolution was offered by Commissioner **Keon Hardemon**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** 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 this resolution duly passed and adopted this 15th day of June, 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

RCZ

Ryan C. Zagare

Exhibit A
Ratification of Grants Authorized by Ordinance No. 95-64

Dept. Name	Contract Type	Grant Type	Grant No.	Contract No. Project No.	Project Name	Firm Awarded	Commission District	Grant Amount	Funding Source	O&M Costs	Est. Start Date	Contract Measures				Brief Project Description
												SBE Goods & Services	SBE A/E	SBE Construction	CWP Program	
MDAD	Grant Disbursement	Supplemental Joint Participation Agreement # 3	429271-1-94-01	MDAD X061A	Miami International Airport (MIA) Perimeter Road Widening & Realignment	N/A	District 6, Commissioner Rebecca Sosa	(\$10,536,000)	FDOT	N/A	Beginning Date of Agreement 03/18/2021 Ending Date of this Agreement 12/31/2021	N/A	N/A	N/A	N/A	This project consists of the replacement of the existing 2-lane Tamiami Canal Bridge with a new 4-lane bridge (two lanes in each direction), which crosses over the South Florida Water Management District (SFWMD) C-4 Canal connecting MIA's South East Gate, MIA's Fuel Farm, and Perimeter Road to the MIA Employee Parking Lot, future MIA Maintenance and Procurement Warehouse Facility and NW 14th Street via access through NW 45th Avenue. The new bridge will be tied to a future Perimeter Road expansion project that will reroute traffic thru a longer path along the southeast quadrant of MIA, and will provide continuous, safe and unimpeded public-access to MIA's terminal area. This project is included in the Aviation Department's Capital Improvement Program (CIP).
7																

Exhibit A
Ratification of Grants Authorized by Ordinance No. 95-64

Dept. Name	Contract Type	Grant Type	Grant No.	Contract No.	Project Name	Firm Awarded	Commission District	Grant Amount	Funding Source	O&M Costs	Est. Start Date	Contract Measures				Brief Project Description
												SBE Goods & Services	SBE A/E	SBE Constr- uction	CWP Pro- gram	

EXHIBIT B

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT

725-030-07
 PUBLIC TRANSPORTATION
 12/18

Number: Three

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Financial Project No(s): <u>429271-1-94-01</u> (item-segment-phase-sequence) Contract No.: <u>G0E79</u>	Fund: <u>GMR</u> Function: <u>215</u> Federal No.: _____ DUNS No.: <u>80-939-7102</u>	FLAIR Category: <u>088719</u> Object Code: <u>75004</u> Org. Code: <u>55062020629</u> Vendor No.: <u>F596000573258</u>
Catalog of Federal Domestic Assistance Number: _____ Catalog of State Financial Assistance Number: <u>55.004</u> CFDA Title: _____ CSFA Title: <u>MIA Perimeter Road Widening & Realignment</u>		

THIS AGREEMENT, made and entered into on 3/18/2021 | 5:04 PM EDT, 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 County Aviation Department P.O. Box 025504, Miami, FL 33102-5504

hereinafter referred to as Agency.

WITNESSETH:

WHEREAS, the Department and the Agency heretofore on May 8, 2017, 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 \$800,000.00.

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:

1.0 Project Description: The project description is amended

To decrease the total project cost.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
SUPPLEMENTAL JOINT PARTICIPATION AGREEMENT725-030-07
PUBLIC TRANSPORTATION
12/18

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2.00 Project Cost:Paragraph 3.00 of said Agreement is ☐ increased / ☒ decreased by \$21,072,000.00bringing the revised total cost of the project to \$1,600,000.00.Paragraph 4.00 of said Agreement is ☐ increased/ ☒ decreased by \$10,536,000.00bringing the Department's revised total cost of the project to \$800,000.00.**3.00 Amended Exhibits:**Exhibit(s) B of said Agreement is amended by Attachment "A".**4.00 Contract Time:**Paragraph 16.00 of said Agreement December 31, 2021.**5.00 E-Verify**

Vendors/Contractors:

1. shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Vendor/Contractor during the term of the contract; and
2. shall expressly require any subcontractors performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the contract term.

Financial Project No(s): 429271-1-94-01Contract No. G0E79

Agreement Date: _____

Except as hereby modified, amended or changed, all other terms of said Agreement dated May 8, 2017 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

FDOT

Miami-Dade County Aviation Department
AGENCY NAME

See attached Encumbrance Form for date of Funding
Approval by Comptroller

Ken A. Pyatt

SIGNATORY (PRINTED OR TYPED)

SIGNATURE

Deputy Aviation Director

TITLE

DocuSigned by:

Alicia TrujilloLEGAL REVIEW
DEPARTMENT OF TRANSPORTATION

DocuSigned by:

Daniel Iglesias6A23331EC56748A...
DEPARTMENT OF TRANSPORTATION

Director of Transportation Development
TITLE

Approved as to form and legal sufficiency

Ryan Ziegen
Assistant County Attorney



Financial Project No(s): 429271-1-94-01Contract No. G0E79

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 County Aviation Department P.O. Box 025504, Miami, FL 33102-5504 dated _____.

DESCRIPTION OF SUPPLEMENT (Include justification for cost change):

To decrease total project cost.

I.	<u>Project Cost:</u>	<u>As Approved</u>	<u>As Amended</u>	<u>Net Change</u>
		\$22,672,000.00	\$1,600,000.00	\$-21,072,000.00
	Total Project Cost	\$22,672,000.00	\$1,600,000.00	\$ 0.00
II.	<u>Fund Participation:</u>	<u>As Approved</u>	<u>As Amended</u>	<u>Net Change</u>
	Department:	\$11,336,000.00	\$800,000.00	\$-10,536,000.00
	Agency:	\$	\$	\$ 0.00
	Total Project Cost	\$11,336,000.00	\$800,000.00	\$-10,536,000.00

Comments: