

Memorandum



Date: October 5, 2021

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

Agenda Item No. 8(N)(9)

From: Daniella Levine Cava
Mayor

Resolution No. R-924-21

Subject: Amendment One to the Department Funded Agreement Between Miami-Dade County and the Florida Department of Transportation to Provide the County with Funding in an Amount up to \$1,277,000.00 in State Funds for the Construction of a Roadway Improvement Project at the Intersection of NE 2 Avenue, Federal Highway, and SR 25/NE 36 Street

Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing the execution of Amendment One to the Department Funded Agreement between Miami-Dade County (County) and the Florida Department of Transportation (FDOT). The Amendment to the Department Funded Agreement provides the County with funding in an amount up to \$1,277,000.00 in state funds for the construction of a roadway improvement project at the intersection of NE 2 Avenue, Federal Highway, and SR 25/NE 36 Street (Project).

Scope

The Project is within the City of Miami, in Commission District 3, represented by Commissioner Keon Hardemon.

Fiscal Impact/Funding Source

The construction cost estimate for the Project is \$1,277,000.00. FDOT will provide funding in an amount up to \$1,277,000.00 in state funds for the Project. The Department Funded Agreement requires that a local funding source provide upfront funding for the Project, to be reimbursed by FDOT. The upfront funding for this work will be provided from Road Impact Fee within the “FY20-21 Adopted Budget and Multi-Year Capital Plan, Vol 2. Transportation and Public Works.” PROGRAM: P2000000536 INTERSECTION IMPROVEMENTS – COUNTYWIDE

Track Record/Monitor

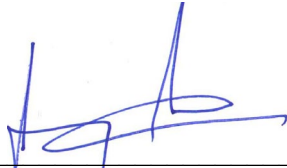
The Project will be assigned to Rene Idarraga, P.E., Chief, Construction Division, Miami-Dade County Department of Transportation and Public Works (DTPW), who will oversee inspections conducted by DTPW staff.

Delegated Authority

In accordance with Section 2-8.3 of the Miami-Dade Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which includes authority for the Mayor and Mayor’s designee to execute the agreement and receive and expend these and any additional funds should they become available.

Background

On May 07, 2019, the BCC passed No. R-492-19 approving a Department Funded Agreement between the FDOT and the County in the amount of \$1,000,000.00. The estimated cost of the railroad signal modification component of this Department Funded Agreement estimate has increased by \$277,000.00. This amount will be provided by FDOT under this amendment. Additionally, the expiration of this Agreement is being amended to extend the completion date of the project to December 31, 2022. All other terms and conditions of the Contract are in effect and remain unchanged. Construction is tentatively scheduled to commence in January 2022.



Jimmy Morales
Chief Operations Officer

**DEPARTMENT FUNDED AGREEMENT
BETWEEN
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
MIAMI-DADE COUNTY**

This Amendment to Department Funded Agreement, executed on June 7, 2019 (the "Contract") incorporated herein by reference, between Miami-Dade County, a political subdivision of the State of Florida ("COUNTY"), and the State of Florida Department of Transportation, a component agency of the State of Florida ("DEPARTMENT"), programmed under Financial Project Number 442766-1-58-01 ("PROJECT"), is entered into this ____ day of _____, 20__.

RECITALS:

WHEREAS, the Contract was entered into by both parties pursuant to the approval of the DEPARTMENT and of the COUNTY by Resolution No. R-492-19, adopted on May 07, 2019, in the total amount of One Million Dollars (\$1,000,000.00); and

WHEREAS, it is necessary to increase the total Contract amount by \$277,000.00 to provide additional dollars needed to the PROJECT for the Railroad Signal Modification Task as identified in the attached Exhibit "G", "Amended Financial Summary", which is herein incorporated;

WHEREAS, the COUNTY will invoice the DEPARTMENT on a quarterly basis for completed work. The COUNTY must submit the final invoice on this PROJECT to the DEPARTMENT within one hundred twenty (120) days after the expiration of this Agreement.

NOW, THEREFORE, for the considerations hereinafter set forth:

The Contract dated June 7, 2019, is hereby amended as follows:

Financial Provisions shall be increased by an amount not to exceed \$277,000.00. The contract shall not exceed \$1,277,000.00 to account for the increase of costs for "Railroad Signal Modification".

Exhibit "A" — Scope of Services — No change to Scope of Services.

Exhibit "B" — Financial Summary — shall be supplemented by the increased amount of \$277,000.00 in the attached Exhibit "G".

Exhibit "C"— Resolution — shall be supplemented by incorporating the Resolution approving this Amendment One to Funded Agreement Between State of Florida Department of Transportation and Miami-Dade County in the attached Exhibit "H".

Exhibits “D to F” remain unchanged and part of this Agreement.

Section 8 — Expiration of Agreement shall be amended to extend the completion date of the PROJECT to December 31, 2022.

All other terms and conditions of the Contract are in effect and remain unchanged.

MIAMI-DADE COUNTY:

**STATE OF FLORIDA, DEPARTMENT OF
TRANSPORTATION:**

By: _____
**COUNTY MAYOR OR COUNTY
MAYOR’S DESIGNEE**

By: _____
**DISTRICT DIRECTOR OF
TRANSPORTATION**

**ATTEST:
(SEAL)**

LEGAL REVIEW:

By: _____
COUNTY CLERK

By: _____
DISTRICT CHIEF COUNSEL

LEGAL REVIEW:

By: _____
COUNTY ATTORNEY

EXHIBIT "G"
FINANCIAL SUMMARY

Estimated PROJECT costs and deliverables for reimbursement are below listed:

The public agency may distribute funds to meet the needs of the Scope of Services as needed to effectively complete the project. All project activities will be documented in the quarterly progress reports to the Department. This supplemental is provided to fund the cost increase of \$279,930 from the original estimated amount of \$250,000.00 to the new estimate of \$526,930.00, for the Railroad Signal Modification as shown in the attached estimate from Florida East Coast Railway.

The costs of travel and equipment are to be borne by the public agency and are not reimbursable under this Agreement.

Eligible Tasks	Total Cost
Railroad Signal Modification New Estimated Cost	\$526,930.00
Railroad Signal Modification Approved Funding	\$250,000.00
Railroad Signal Modification Net Cost Increase	\$276,930.00 say \$277,000.00

Total PROJECT costs eligible for reimbursement by the DEPARTMENT: **\$1,277,000.00**

The COUNTY 's contribution shall be: **\$0.00**

Total PROJECT Cost Estimate: \$ 1,277,000.00

Estimate No.: 272633P - 05/26/2020

Florida East Coast Railway
(FEC)**MIAMI, (Dade), FL**
SR 29 (NE 36th Street) @ NE 2nd AvenueDOT# : 272633P
RR MP.: PL2.18 (+951)RAILROAD # : 2288233
XORAIL# : 108437**Summary**

CROSSING WARNING SYSTEM	\$475,930.00
(Includes all design, requisition, labor, materials, shop wiring, and installation)	
Crossing Warning System Design, Material, Shop Wiring, Field Install/Test Labor, AIS.	\$420,930.00
Fiber Optic Network Handholes, Bore, Splice, Markers, Terminations, Hot Cut, Survey, AIS	\$40,000.00
PTC Network - Programming and Dispatch Control for new location on PTC System	\$15,000.00
CROSSING SURFACE/RESURFACE	\$0.00
(Includes all design, requisition, labor, materials, and installation)	
TRACK GRADE AND REHABILITATION	\$0.00
(Includes all design, requisition, labor, materials, and installation)	
RAILROAD ENGINEERING	\$7,500.00
(Includes RAILROAD Labor for Reviewing Engineering Authorizations, Field Inspections and Administrative Labor)	
PRELIMINARY ENGINEERING (Phase 1)	\$18,000.00
(Includes CONTRACT Labor for all Engineering, Agency Coordination, and Project Management)	
AGREEMENTS & APPROVALS (Phase 2)	\$5,000.00
(Includes CONTRACT Labor for all Engineering, Agency Coordination, and Project Management)	
CONSTRUCTION ENGINEERING (Phase 3)	\$10,000.00
(Includes CONTRACT Labor for all Engineering, Agency Coordination, and Project Management)	
CONSTRUCTION ENGINEERING INSPECTION (CEI)	\$10,500.00
(Estimated Construction Engineering Inspection cost based on 7 days @ \$1500 per day)	
AC POWER SERVICE	\$0.00
(Includes all Power Service Charges not included in other costs)	
OTHER (Description Required)	\$0.00
TOTAL ESTIMATE COST	\$526,930.00 (USD)
PRE-PAID - PE Fees (EFT Transfer Voucher PO PCMT1900076 on 01/03/2019) minus \$1000 Application Fee:	
REMAINING BALANCE TO BE PAID TO PROCEED:	-\$15,000.00
	\$511,930.00

DATE: 05/26/2020

RESPONSIBLE PARTY:Name: **Miami-Dade County**
Number: **20180024**
Contact: **Mr. Octavio Marin**

NOTE : This Estimate has been prepared based on site conditions, anticipated work duration periods, material prices, labor rates, manpower, resource availability, and other factors known as of the date prepared. The actual cost for Railroad work may differ based upon the agency's requirements, their contractors work procedures, and/or other conditions that become apparent once construction commences or during the progress of the work. If any extended time elapses from the date of this Estimate, the Railroad will reserve the right to update the estimate to current price values, and require agency's approval before any work by Railroad will commence.

This Estimate DOES NOT include Railroad Watchman/Flagging Cost. Due to the unknown duration or schedule of the Roadway Contractor, this cost is NOT Included and must be considered and will be the responsibility of the Funding/Responsible Agency.

PRELIMINARY ESTIMATE

EXHIBIT "H"

RESOLUTION

To be herein incorporated once approved by the COUNTY Commission.

To: Hector.Hartmann@dot.state.fl.us

**FLORIDA DEPARTMENT OF TRANSPORTATION
FUNDS APPROVAL**

ASH29

3/15/2021

CONTRACT INFORMATION

Contract:	ASH29
Contract Type:	AD - RR CROSSING-MAINT (RR-XING/MT)
Method of Procurement:	G - GOVERNMENTAL AGENCY (287.057,F.S.)
Vendor Name:	MIAMI-DADE COUNTY FLORIDA
Vendor ID:	F596000573129
Beginning Date of This Agreement:	06/07/2019
Ending Date of This Agreement:	12/31/2021
Contract Total/Budgetary Ceiling:	ct = \$1,277,000.00
Description:	US 27/ NE 36 Street and NE 2nd Ave at Xing 272633P

FUNDS APPROVAL INFORMATION

FUNDS APPROVED/REVIEWED FOR ROBIN M. NAITOVE, CPA, COMPTROLLER ON 3/15/2021

Action:	Supplemental
Reviewed or Approved:	APPROVED
Organization Code:	55064010609
Expansion Option:	A2
Object Code:	134000
Amount:	\$277,000.00
Financial Project:	44276615801
Work Activity (FCT):	200
CFDA:	
Fiscal Year:	2021
Budget Entity:	55150200
Category/Category Year:	088716/21
Amendment ID:	S001
Sequence:	00
User Assigned ID:	S001
Enc Line (6s)/Status:	0002/04

Total Amount: \$277,000.00



MEMORANDUM

(Revised)

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

DATE: October 5, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(9)

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. 8(N)(9)
10-5-21

RESOLUTION NO. R-924-21

RESOLUTION APPROVING AMENDMENT ONE TO THE DEPARTMENT FUNDED AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION TO PROVIDE THE COUNTY WITH FUNDING IN AN AMOUNT UP TO \$1,277,000.00 IN STATE FUNDS FOR THE CONSTRUCTION OF A ROADWAY IMPROVEMENT PROJECT AT THE INTERSECTION OF NE 2 AVENUE, FEDERAL HIGHWAY, AND SR 25/NE 36 STREET; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

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

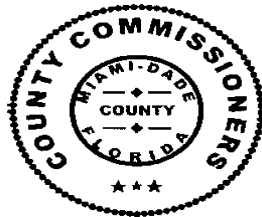
WHEREAS, both the State of Florida and Miami-Dade County wish to facilitate a roadway improvement project at the intersection of NE 2 Avenue, Federal Highway and SR 25/NE 36 Street,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves Amendment One to the Department Funded Agreement between Miami-Dade County and the Florida Department of Transportation, providing for reimbursement to the County of up to \$1,277,000.00 for the construction of a roadway improvement project at the intersection of NE 2 Avenue, Federal Highway, and SR 25/NE 36 Street, in substantially the form attached to the accompanying memorandum and made a part hereof; and authorizes the County Mayor or County Mayor's designee to execute same on behalf of Miami-Dade County, to exercise the provisions contained therein, and to perform all acts necessary to effectuate same.

The foregoing resolution was offered by Commissioner **Raquel A. Regalado**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** 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 5th day of October, 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.

Eduardo W. Gonzalez