

Memorandum



Date: November 2, 2021

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

Agenda Item No. 8(N)(2)

From: Daniella Levine Cava
Mayor

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

Resolution No. R-1044-21

Subject: First Amendment to the Joint Participation Agreement Between Miami-Dade County and the City of Florida City to Provide the City with Additional Funding in an Amount up to \$279,823.00 for the Construction of Road Improvements Along SW 344 Street from US-1 to SW 172 Avenue

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the execution of a First Amendment to the Joint Participation Agreement (JPA) between Miami-Dade County (County) and the City of Florida City (City) to reimburse the City up to an additional \$279,823.00 for the construction of a road improvement project along SW 344 Street from US-1 to SW 172 Avenue (Project).

Scope

The Project is within the City, in District 9, represented by Commissioner Kionne L. McGhee.

Delegated Authority

The authority of the County Mayor or County Mayor's designee to execute and implement this contract is consistent with those authorities granted under the Code of Miami-Dade County. No additional delegation of authority is being requested within the body of this contract.

Fiscal Impact/Funding Source

The maximum increase in cost to the County as a result of this Amendment is \$279,823.00. The County's participation in funding has increased from the original amount of \$3,100,000.00 to \$3,379,823.00. Road Impact Fee District 6 will continue to provide the County's funding for the Project. The Capital Program Number is 2000000538 (Project 3000744). The balance of the Project's construction costs will be provided by the City.

Track Record/Monitor

The County will utilize the resources of the City to contract and construct the Project on a reimbursable basis. The Project will be assigned to Rene Idarraga, P.E., Chief, Construction Division, Department of Transportation and Public Works (DTPW), who will oversee construction inspections conducted by DTPW staff before the release of construction funds is recommended.

Whenever County funds are utilized for work under this JPA, the City agrees to comply with applicable County regulations, including but not limited to, the Small Business Enterprise Goods and Services Program, the Small Business Enterprise Architecture and Engineering

Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners
Page No. 2

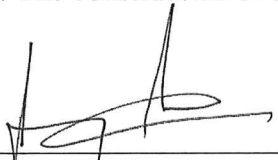
Program, the Small Business Enterprise Construction Services Program, the Community Workforce Program (CWP), and the Responsible Wages and Benefits Ordinance (Ordinance No. 90-143). The work covered under this JPA has been reviewed by the County's Small Business Development Division. A Contract Measure Recommendation of 6.7 percent SBE-Construction was established.

Background

On September 7, 2016, the Board approved the subject JPA under Resolution No. R-795-16. Under the JPA, the City would be provided up to \$3,100,000.00 for the construction of a road improvement project along SW 344 Street from US-1 to SW 172 Avenue.

Based on the attached letter from the City, the total cost of construction has increased to \$6,759,646.00. The difference between the original JPA amount (\$3,100,000.00) and the Amendment ($\$6,759,646.00 \times 50\% = \$3,379,823.00$) is \$279,823.00. The increase in cost to the County shall be for costs incurred by the City for the lighting post spread footers and the aeration system.

The City Commission approved this Amendment on April 13, 2021 under Resolution No. 21-24. The construction of the Project is complete.



Jimmy Morales
Chief Operations Officer



Transportation and Public Works
Office of the Director
701 NW 1st Court • 17th Floor
Miami, Florida 33136

September 15, 2020

Honorable Otis T. Wallace
Mayor
City of Florida City
404 West Palm Avenue
Florida City, Florida 33034

RE: Joint Participation Agreement Between Miami-Dade County and the City of Florida City for
SW 344 Street from US-1 to SW 172 Avenue

Dear Mayor Wallace:

We are in receipt of the letter addressed to Commissioner Dennis C. Moss. Please note that the existing Joint Participation Agreement (JPA) between the County and the City provides \$3.1 million to the City for the construction along SW 344 Street. Based on the request in your letter where you are requesting that the County provide 50% of the additional cost of the project, please note the following:

- Original construction cost: \$5,073,744
- Original JPA amount: \$3,100,000
- Latest construction cost: \$6,759,646
- Requested JPA amount: $\$6,759,646 \times 50\% = \$3,379,823$

Difference between original and latest: $\$3,379,823 - \$3,100,000 = \$279,823$ (to be added to JPA).

Please note that we will have to evaluate the funding available to determine when we can fund the requested amount and prepare an amendment to the JPA which will have to be approved by the Board of County Commissioners.

Should you have any questions, please do not hesitate to contact Miguel Soria, P.E., Assistant Director, Highway Engineering at (305) 375-2094.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alice N. Bravo".

Alice bravo (Sep 15, 2020 08:53 EDT)

Alice N. Bravo, P.E., Director
Department of Transportation and Public Works

Attachment

cc: Frank Guyamier, Deputy Director and County Engineer, DTPW
Miguel Soria, P.E., Assistant Director, Highway Engineering
Leandro Oña, P.E., Chief, Highway Division



Office of the Mayor

June 9, 2020

Commissioner Dennis C. Moss
District 9- South District
1634 NW 6th Avenue
Florida City, FL 33034
DenisMoss@miamidade.gov

Dear Commissioner Moss,

I would like to first thank you for taking time out of your busy schedule to discuss the East Palm Drive culverting project which will produce additional, much needed traffic lanes. This project though sorely needed was both challenging and frustrating. The good news however is that we are nearing the conclusion of the project and expect it to be finished some time in August. That's the good news. The bad news is that the extensive delay and many changes required by the County, particularly DERM has resulted in significant delay and considerable cost increases.

As you know, this ambitious project was originally funded 50/50 by the City and the County at an initial cost of approximately 6 Million dollars. This represented the contract cost to the city to initially fund the construction and engineering with reimbursements to be had from the County as the project progressed. I have attached for your reference a memo outlining the cost history of the project. You will see that the significant delay resulted in much higher prices for construction and entailed the implementation of county requirements that were not in existence at the time of the initial bid. In short, I am asking that you assist us in having the County provide half of the funding for the cost overruns as had been the case with the original project. Please understand that the City has fronted the entire amount thus far but will only receive fifty percent (50%) of the original six million dollar (\$6,000,000.00) amount. I am not questioning at this point the wisdom or necessity of the many changes DERM required. The fact is those changes were expensive and totally wrecked the original six million dollar (\$6,000,000.00) budget.

Once again I would like to thank you for the outstanding leadership you have always shown in District 9. At the end of the day this wonderful project would be yet another page in the legacy of Commissioner Dennis C. Moss. I await any questions you may have regarding this request.

Sincerely,

OTIS T. WALLACE, MAYOR

TO: MAYOR OTIS T. WALLACE

FROM: JON WARD, CRA EXECUTIVE DIRECTOR

RE: COST PROJECTIONS ON FLORIDA CITY CANAL CULVERTING PROJECT

DATE: JUNE 8, 2020

The Florida City Canal culverting project has been a challenging and complicated initiative, now **scheduled to be completed in September, 2020.**

As you are aware, the project was approved by the Florida City Commission on August 22, 2017 and a Notice of Award was provided to the successful bidding General Contractor immediately. All bids from the Contractor and his subs anticipated beginning the project in 2017. However, on January 23, 2018, the City Engineer informed the Contractor that the project was on hold, awaiting permitting and approval to proceed from Miami Dade County. Ultimately, **the project's construction was delayed 21 months because of delays in permits, approvals and changes to the design** proposed by DERM, a County agency. Copies of Class II and III permits were finally received in March, 2019, with a Notice to Proceed of April 29, 2019. Because of existing utility conflicts and relocations by others, an updated Notice to Proceed was issued for June 1, 2019.

All of these delays and changes had direct cost implications.

Construction: Initially bid at \$5.7mm (plus an anticipated \$300k contingency, or \$6mm total), the current hard cost of construction has increased to \$6,163,646. Additionally, the Construction Administrator for the project, EAC informs me that the Contractor is seeking compensable time for 117 calendar days of delays at a cost of \$2k per day. The redesign of the lighting post spread footers cost an additional \$104k. The aeration system, dictated by DERM after the project had commenced, will cost \$200k. The Contractor bid the job using the County's 2017 wage rates but, because construction was delayed until 2019, the increase in County-dictated wage cost minimums increased the cost by \$47k. Finally, the certified payroll reporting requirements of the County's Small Business department, which did not exist in 2017 when the project was bid, have cost the Contractor an additional \$11k. These costs increase the hard cost of construction by \$596,000, bringing the **total hard cost of construction to \$6,759,646.00**

Engineering: The winning bid for Engineering Services for the project was \$800,017. Changes in design requirements and the addition of elements to the project, such as an aeration system in the culvert, required by DERM, a maintenance boat launch to accommodate the County's maintenance water craft and a number of other changes required significant cost increases for engineering design and evaluation fees. Construction Administration by the engineers, including the unanticipated reporting requirements by the County Small Business department, caused the engineers to exhaust the Construction Administration budget line item in Nov., 2019, with over 10 months of construction left to oversee. In fact, there have been 7 change orders for Engineering Services during the life of the contract, mostly revolving around County requirements. Hard costs for materials testing increased the cost by an additional 18,053 thus far, bringing the **total for Engineering and Construction Administration to \$1,582,165.**

Currently totaling \$8,341,811, Staff estimates the **final cost of the project at \$8.4 million dollars.**

CITY OF FLORIDA CITY

RESOLUTION NO. 21-24

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FLORIDA CITY, FLORIDA APPROVING THE EXECUTION OF AMENDMENT ONE TO THE JOINT PROJECT AGREEMENT FOR THE FLORIDA CITY CANAL PROJECT WITH MIAMI-DADE COUNTY IN THE AMOUNT OF \$279,823.00; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Resolution No. R-795-16, approved by the Board of County Commissioners of Miami-Dade County ("the County"), the City of Florida City ("the City") entered into a Joint Project Agreement ("the JPA") with the County on September 7, 2016 wherein the County agreed to provide funding in the amount of \$3,100,000.00 for construction costs on the Florida City Canal Project; and

WHEREAS, the JPA between the County and the City was based on each party being responsible for fifty per cent (50%) of the hard costs of construction, originally estimated to be \$5,073,744.26, plus contingency; and

WHEREAS, due to changes in the scope of the project and for other related reasons, the construction costs for the project increased to an estimated \$6,759,646.00 (including contingency); and

WHEREAS, the County has agreed to increase the funding limit of their contribution to the project to \$3,379,823, representing fifty per cent of the revised project construction costs; and

WHEREAS, the County has submitted Amendment Number One to the JPA in the amount of \$279,823.00 for their portion of the increased construction costs of the project; and

WHEREAS, the City Commission hereby finds and determines that it is in the best interest of the City to adopt this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF FLORIDA CITY, FLORIDA, AS FOLLOWS:

Section 1. That each of the above stated recitals are hereby adopted and confirmed.

Section 2. That the Mayor is empowered to execute JPA Amendment Number One with Miami-Dade County in the amount of \$279,823.00.

Section 3. That the Mayor and Executive Director of the CRA are hereby authorized to take any and all actions necessary to implement the purposes of this Resolution.

Section 4. That this Resolution shall be effective immediately upon adoption.

RESOLUTION NO. 21-24

PASSED AND ADOPTED THIS 13th day of April, 2021.



OTIS T. WALLACE, Mayor

ATTEST:


JENNIFER A. EVELYN, CITY CLERK

Approved as to form and legal sufficiency:



REGINE MONESTIME, CITY ATTORNEY

Offered by: Mayor

Motion to adopt by: Comm. Berry, seconded by: Vice Mayor Butler

FINAL VOTE AT ADOPTION

Mayor Otis T. Wallace

Y

Vice Mayor Sharon Butler

Y

Commissioner Eugene D. Berry

Y

Commissioner James Gold

Y

Commissioner R. S. Shiver

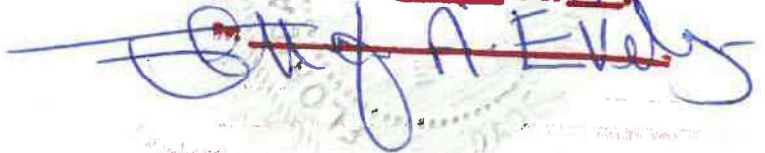
Y

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

Jennifer A. Evelyn
City Clerk

I, Jennifer A. Evelyn
Of the City of Florida City, Florida do hereby certify
that the above and foregoing is a true and correct
copy of the original thereof on file in this office.
WITNESS my hand and the seal of said City

this 13th day of April AD 2021





MEMORANDUM

(Revised)

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

DATE: November 2, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(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. 8(N)(2)
11-2-21

RESOLUTION NO. _____ R-1044-21

RESOLUTION APPROVING FIRST AMENDMENT TO THE JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE CITY OF FLORIDA CITY TO PROVIDE THE CITY WITH ADDITIONAL FUNDING IN AN AMOUNT UP TO \$279,823.00 FOR THE CONSTRUCTION OF ROAD IMPROVEMENTS ALONG SW 344 STREET FROM US-1 TO SW 172 AVENUE; 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 City of Florida City and Miami-Dade County wish to facilitate a road improvement project along SW 344 Street from US-1 to SW 172 Avenue; and

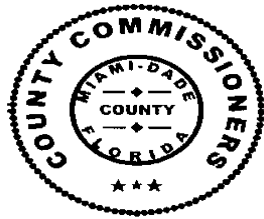
WHEREAS, due to changes in the project scope, an additional \$279,823.00 is required to adjust the amount provided under the Joint Participation Agreement from \$3,100,000.00 to \$3,379,823.00,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the First Amendment to the Joint Participation Agreement between Miami-Dade County and the City of Florida City, providing up to an additional \$279,823.00 to the City for eligible expenses incurred in construction of these improvements, in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor or County Mayor's designee to execute same for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner **Rebeca Sosa**,
 who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins**
 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	absent
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of November, 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.

A handwritten signature in dark ink, appearing to be "E. Gonzalez", written over a horizontal line.

Eduardo W. Gonzalez

**FIRST AMENDMENT TO JOINT PARTICIPATION AGREEMENT
FOR SW 344 STREET FROM US-1 TO SW 172 AVENUE
BETWEEN MIAMI-DADE COUNTY AND THE CITY OF FLORIDA CITY**

This First Amendment to the Joint Participation Agreement is made and entered into this _____ day of _____, 2021, by and between the CITY OF FLORIDA CITY, FLORIDA, a municipal corporation of the STATE OF FLORIDA, hereinafter referred to as the "City", and MIAMI-DADE COUNTY, a political subdivision of the STATE OF FLORIDA, hereinafter referred to as the "County".

WITNESSETH

WHEREAS, pursuant to Resolution No. R-795-16, approved by the Board of County Commissioners of Miami-Dade County, Florida, on September 7, 2016, the parties hereto entered into a Joint Participation Agreement to facilitate the construction of a road improvement project in Miami-Dade County, (the "Agreement") along SW 344 Street, from US-1 to SW 172 Avenue in Florida City, Miami-Dade County, as more particularly described in the Agreement (the "Project"); and

WHEREAS, due to changes in the Project scope, an additional \$279,823.00 is required to adjust the amount provided under the Joint Participation Agreement from \$3,100,000.00 to \$3,379,823.00; and

WHEREAS, the Agreement allows for the amendment of the County funds available for the Project subject to the approvals of the parties' respective governing boards,

NOW, THEREFORE, in consideration of the mutual desires of the parties hereto, the following modifications are made to the aforementioned Agreement:

2.1. Funding Amount, Reimbursement of Project Costs: The construction cost estimate for the Project is ~~\$5,073,744.26~~ \$6,759,646.00 (this amount includes ten percent (10%) contingency). The County agrees to provide funds up to ~~\$3,100,000.00~~ \$3,379,823.00 for eligible costs, as defined herein, incurred by the City for the construction of the Project. The County shall disburse to the City funds for the Project in the manner set forth in Section 4. The County shall incur no liability for any costs in excess of said funding amount unless there has been a duly authorized increase approved by the Board of County Commissioners. The City shall not be obligated to commence work should the bid amount exceed the funding provided by the County. If the bid amount exceeds the funding amount, the City reserves its rights to reject all bids and re-bid the Project.

2.2 County Payments of Project Costs: The County funds provided for eligible costs as defined herein, incurred for the construction of the Project are specified below:

<u>Funding Amount</u>	<u>Funding Source</u>	<u>County Fiscal Year of Commitment</u>
\$3,100,000.00	Road Impact Fee District 6	2016-2017
<u>\$279,823.00</u>	<u>Road Impact Fee District 6</u>	<u>2020-2021</u>

In all other respects, except as herein amended, the original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto set their hands and official seals the day and year first above written,

ATTEST:

HARVEY RUVIN
CLERK OF THE BOARD

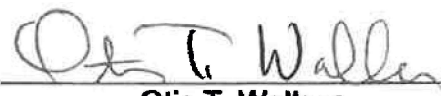
MIAMI-DADE COUNTY, FLORIDA,
BY ITS BOARD OF
COUNTY COMMISSIONERS

BY: _____ BY: _____
Deputy Clerk County Mayor or County Mayor's Designee

Approved by County Attorney
as to form and legal sufficiency _____
County Attorney

ATTEST:

CITY OF FLORIDA CITY, a municipal
corporation of the State of Florida

BY:  BY: 
Jennifer A. Evelyn Otis T. Wallace
City Clerk Mayor

(Affix City Seal)

Approved by City Attorney
as to form and legal sufficiency  _____
City Attorney