

Memorandum



Date: March 19, 2024

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

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

Agenda Item No. 8(P)(2)

Resolution No. R-221-24

Subject: Recommendation Retroactively Approving Expenditure under the Original Award for Bus Shelter Program and Use of People's Transportation Plan Bond Program Funds and Requesting a Non-competitive Bid Waiver for Additional Expenditure Authority

Summary

This item is requesting to: (1) amend Resolution No. R-469-20 to retroactively increase the expenditure authority in an amount of \$3,213,800, which is the difference between the approved allocation of \$9,491,920 under the original award for the Bus Passenger Shelter Program (*Contract No. RFP 01071*) approved pursuant to Resolution No. R-469-20 and the original contract amount of \$12,705,720; (2) retroactively approve the use of People's Transportation Plan (PTP) Bond Program funds for up to \$12,705,720 for the original contract approved under R-469-20, as amended by this item; and (3) approval of additional expenditure authority of \$16,920,750 via a bid waiver to acquire 350 cantilever bus stop protective roof structures and corresponding illumination systems, as well as 350 new trash containers, to enhance passenger amenities and authorizing the use of PTP Bond Program funds for such purposes.

The recommended procurement method is for additional expenditure authority under the current contract for a comprehensive Bus Passenger Shelter Program. Modifying the established contract facilitates timely compliance with the County's Extreme Heat Action Plan, which sets a goal of having 100 percent of bus stops equipped with bus shelters, allows the existing vendor to install the same design shelters, and allows for maintenance by the same vendor. Not only is this expedient, but also economical based on a price comparison conducted by the Department of Transportation and Public Works (DTPW). DTPW has received over 100 requests from the public through the County's 311 Service Center, demonstrating a demand for additional bus shelters. The addition of these shelters will significantly enhance the customer experience, i.e., convenience and safety during extreme heat and other inclement weather conditions. The number of shelters requested is based on the current availability of funding, with additional shelters expected to be installed in the future subject to funding availability and approval.

The County currently has 2,667 bus stops located within the boundaries of the Unincorporated Municipal Service Area (UMSA). Of those bus stops, approximately 50 percent, or 1,315, have bus passenger shelters installed, leaving a balance of 1,352 bus stops without bus shelters. With the addition of these 350 bus shelters, the total number of bus stops with shelters will be 62.4 percent of all stops within UMSA.

Recommendation

It is recommended that the Board of County Commissioners (Board) approve this item: (1) amending Resolution No. R-469-20 to retroactively increase the expenditure authority in an amount of \$3,213,800, which is the difference between the approved allocation of \$9,491,920 under the original award for the Bus Passenger Shelter Program (*Contract No. RFP 01071*) approved pursuant to Resolution No. R-469-20 and the original contract amount of \$12,705,720; (2) retroactively approving the use PTP Bond Program funds for up to \$12,705,720 for the original contract approved under R-469-20, as amended by this item; and (3) waiving competitive bidding procedures by a two-thirds vote of the members present pursuant to section 2-8.1(b) of the County Code and section 5.03(D) of the Home Rule Charter, to authorize additional expenditure authority in the amount of \$16,920,750 and authorizing the use of PTP Bond Program funds for such purposes.

The Board awarded this contract to Outfront Media Group, LLC (Outfront), effective June 1, 2020, for a 15-year term. That award was for \$9,491,920, funded by DTPW operating funds with estimated revenue (Annual Participation Revenue) to the County of \$3,213,800. However, DTPW has released \$11,193,122 under the contract, funded by the PTP Bond Program. As such, this item corrects that by retroactively authorizing expenditure of \$3,213,800 (the estimated revenue) and use of the PTP Bond Program as the funding source for \$12,705,720 (i.e., initial award of \$9,491,920 plus estimated income of \$3,213,800). The initial award plus estimated revenue was identified in the original memo to the Board; however, Resolution No. R-469-20 only identified the fiscal impact to the County and excluded the estimated revenue.

The 360 bus shelters contemplated under the contract have already been installed. Through this item, Outfront will install 350 additional bus shelters and corresponding illumination systems, as well as trash containers, in efforts to enhance the safety and comfort of patrons using County bus services in UMSA. The main goal of the 350 new cantilever shelters is to satisfy the need of the County (supported by 311 and Thrive305 feedback) to install shelters at most of the bus stops within the boundaries of UMSA where there is no room to install an advertising shelter due to space constraints.

This item is placed for Board review pursuant to Miami-Dade County Code Section 29-124(f). The Board may only consider this item if the Citizens' Independent Transportation Trust (CITT) has forwarded a recommendation to the Board. If the CITT has not forwarded a recommendation and 45 days have not elapsed since the issuance of this recommendation, a withdrawal of this item will be requested.

Background

DTPW utilizes this contract to provide services for cleaning, maintaining, relocating, and repairing all existing bus shelters, as well as new bus shelters located in UMSA, to ensure that the bus shelters are always in safe and operational condition, with an attractive appearance, and proper illumination at night. Further, the services include garbage disposal for all existing bus shelters, as well as new bus shelters. Outfront also provided a business plan for generation of revenue, i.e., expertly designed commercial advertising displays on bus shelters in compliance with County policies and directives, and annual participation revenue to the County in the form of a percentage of gross advertising revenues collected. Outfront sells and manages an advertising program which generates revenue to cover maintenance, repair, relocation, garbage disposal, and cleanliness costs. The majority of the advertising revenue generated by the vendor is applied towards maintenance-related activities. The Annual Participation Revenue (5 percent of the advertising revenue generated) is paid directly to the County on a quarterly basis, which has been averaging \$45,000 per quarter and is recognized as part of DTPW's operating fund revenues. As set forth in the contract's payment schedule, Outfront guarantees that the revenue share payments to the County over the full contract term will be no less than \$1,710,000.

In compliance with Resolution No. R-666-23, adopted by the Board on July 6, 2023, the supplemental agreement includes the provision to prohibit advertisements displaying the image or likeness of any candidate as that term is defined in Section 97.021, Florida Statutes, with the exception of advertisements promoting Miami-Dade County-sponsored events, activities, or services.

Article 13, *Unit Price Schedule and Minimum Annual Guarantee*, of the contract includes unit price and estimated quantities for purchase and installation, including civil work, for 360 shelters and bicycle racks. The contract further states that the unit prices shall prevail for up to a 15 percent variation in the quantities. In accordance with Article 13, DTPW identified the required quantity of additional shelters and performed an analysis of costs that were deemed fair and reasonable.

Pursuant to Resolution R-391-17, while further competition is not practicable as this is the established contract source for these items and associated services, the contract contains all current Board mandated terms. As such, it is in the County's best interest to waive competitive bidding requirements pursuant to

Section 2-8.1(b) of the County Code and Section 5.03(D) of the Home Rule Charter and authorize a non-competitive bid waiver to ensure the County is able to move closer to its goal under the Miami-Dade County Extreme Heat Action Plan to have 100 percent of bus stops in UMSA equipped with bus shelters.

Scope

The impact of this item is countywide in nature.

Delegated Authority

The County Mayor or the County Mayor's designee will have the authority to execute Supplemental Agreement No. 2 and exercise all provisions of the contract, including any cancellation or renewals, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Fiscal Impact/Funding Source

The contract term expires on May 31, 2035. The contract was originally approved with an allocation of \$9,491,920 and estimated income of \$3,213,800, with DTPW operating funds as the funding source. A total of \$11,193,122 has been released thus far to the vendor. This item retroactively approves expenditure authority of \$3,213,800 (the estimated income) and the PTP Bond Program as the funding source for the current cumulative allocation of \$12,705,720. This item is also requesting additional expenditure authority of \$16,920,750, funded by the PTP Bond Program. If this item is approved, the contract will have a modified cumulative allocation of \$29,626,470. The requested increase in expenditure authority is based on an approved cost proposal received from Outfront. The additional expenditure for this year was approved by the Board as part of the Fiscal Year 2023-24 County budget.

Department	Original Allocation Approved	Retroactive Approval	Additional Allocation Requested	Modified Cumulative Allocation	Funding Source	Contract Manager
DTPW	\$9,491,920	\$3,213,800	\$16,920,750	\$29,626,470	PTP Bond Program	Raonel Rodriguez
Total	\$9,491,920	\$3,213,800	\$16,920,750	\$29,626,470		

Track Record/Monitor

Vanessa Stroman of the Strategic Procurement Department (SPD) is the Procurement Contracting Manager.

Awarded Vendor

Vendor	Principal Address	Local Address	Principal
Outfront Media Group, LLC	405 Lexington Avenue New York, NY	None	Damien Gutierrez

Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with SPD's Procurement Guidelines to determine contractor responsibility, including verifying corporate status and review of performance and compliance issues through various vendor responsibility lists and a keyword internet search. The lists referenced include convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to contractor responsibility.

Applicability of Ordinances and Contract Measures

- The two percent User Access Program applies.
- An SBE-Construction Trade Set-Aside and Community Workforce Program goal applies. In compliance with Resolution No. R-1001-15, the vendor is in compliance with the set-aside measure (see attached).

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
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- The Living Wage Ordinance does not apply.
- The Responsible Wages and Benefits Ordinance applies.
- The Employ Miami-Dade and Residents First initiatives are applicable.

Attachment



Jimmy Morales
Chief Operations Officer

Memorandum



Date: September 5, 2023

To: Namita Uppal, Director
Strategic Procurement Department

From: Gary T. Hartfield, Director
Office of Small Business Development

Subject: Project No. RFP-01071, Bus Passenger Shelter Program

A handwritten signature in blue ink, likely belonging to Gary T. Hartfield, is written over the "From:" and "Subject:" lines.

Project No. RFP-01071 was awarded with a Small Business Enterprise – Construction Services (SBE-Con) Trade Set-Aside measure. Contract Modification No. 2 to increase the contract value was submitted for review for application of Small Business Enterprise (SBE) measures. The awarded SBE-Con Trade Set-Aside measure will apply to this modification.

The contractor, Outfront Media, is in compliance with the SBE-Con Trade Set-Aside measure. For additional information, please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153.

c: Raonel Rodriguez, Manager, DTPW
Brian A. Webster, Procurement Contracting Officer, SPD
SBD Section Chiefs



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: March 19, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(P)(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(P)(2)
3-19-24

RESOLUTION NO. R-221-24

RESOLUTION AMENDING RESOLUTION NO. R-469-20 TO RETROACTIVELY INCREASE THE EXPENDITURE AUTHORITY FOR CONTRACT NO. RFP-01071, THE BUS PASSENGER SHELTER PROGRAM FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED \$3,213,800.00, AND RETROACTIVELY AUTHORIZING THE USE PEOPLE'S TRANSPORTATION PLAN (PTP) BOND PROGRAM FUNDS FOR THE ORIGINAL CONTRACT AMOUNT NOT TO EXCEED \$12,705,720.00, FOR A PROJECT WHICH WAS INCLUDED IN THE ORIGINAL EXHIBIT 1 TO THE PTP; AUTHORIZING WAIVER OF COMPETITIVE BIDDING PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (THE "COUNTY CODE") BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZING A NON-COMPETITIVE PURCHASE FOR THE BUS PASSENGER SHELTER PROGRAM AND APPROVING SUPPLEMENTAL AGREEMENT NO. 2 TO CONTRACT NO. RFP-01071 WITH AN ADDITIONAL EXPENDITURE AUTHORITY OF \$16,920,750.00 (THE "SUPPLEMENTAL EXPENDITURE AUTHORITY"); AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2 AND EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING ANY TERMINATION, CANCELLATION, OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38; AND AUTHORIZING THE USE OF PTP BOND PROGRAM FUNDS TO PAY FOR THE SUPPLEMENTAL EXPENDITURE AUTHORITY FOR A PROJECT WHICH WAS INCLUDED ORIGINAL EXHIBIT 1 TO THE PTP

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 foregoing recital is incorporated and approved as if fully set forth herein.

Section 2. This Board amends Resolution No. R-469-20 to retroactively increase the expenditure authority for Contract No. RFP-01071, the Bus Passenger Shelter Program for the Department of Transportation and Public Works, in an amount not to exceed \$3,213,800.00, and retroactively authorizes the use People's Transportation Plan (PTP) Bond Program funds for the original contract amount not to exceed \$12,705,720.00, for a project which was included in the Original Exhibit 1 to the PTP.

Section 3. This Board finds that it is in the best interest of Miami-Dade County to waive the competitive bidding procedures pursuant to section 5.03(d) of the Home Rule Charter and section 2-8.1 of the County Code by a two-thirds vote of the Board Members present and authorizes a non-competitive purchase for the Bus Passenger Shelter Program and approves Supplemental Agreement No. 2 to Contract No. RFP-01071 with an additional expenditure authority of \$16,920,750.00 (the "Supplemental Expenditure Authority").

Section 4. This Board further authorizes the use of PTP Bond Program funds to pay for the Supplemental Expenditure Authority for a project which was part of original Exhibit 1 to the PTP.

Section 5. This Board further authorizes the County Mayor or County Mayor's designee to execute the Supplemental Agreement No. 2 and exercise all provisions contained therein, including any termination, cancellation, or extension provisions, pursuant to section 2-8.1 of the County Code and Implementing Order 3-38.

The foregoing resolution was offered by Commissioner **Anthony Rodriguez**, 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:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of March, 2024. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in blue ink, appearing to be "B. Libhaber".

Bruce Libhaber

SUPPLEMENTAL AGREEMENT NO. 2Contract Number: **RFP-01071**Contract Title: **BUS PASSENGER SHELTER PROGRAM**

Contractor: **Outfront Media Group LLC**
405 Lexington Avenue
New York, NY 10174

In accordance with the above referenced Contract, this Supplemental Agreement, when properly executed, shall become part of the Contract and amend the Contract as follows:

1. Article 13, *Unit Price Schedule and Minimum Annual Guarantee*, of the Contract is hereby amended. Table 31.1 Unit Price Schedule, shall include additional items as follows:

Item No.	Item Description (Cost to Furnish)	Unit	Estimated Quantity	Unit Price	Total
1.4a	Model 3 (Cantilever/Bus Stop Protective Roof Structure) - 2023	EA	350	\$23,720.00	\$8,302,000.00
1.7	Illumination system for Model 3 (Cantilever/Bus Stop Protective Roof Structure) - 2023	EA	350	\$2,100.00	\$735,000.00
1.8	Trash Containers - 2023		350	\$650.00	\$227,500.00
	Cost to Install New Bus Shelters				
Item No.	Item Description (Cost to Install)	Unit	Estimated Quantity	Unit Price	Total
2.3a	Civil Work (2023) - In accordance with Paragraph 2.23 of the RFP	EA	350	\$21,875.00	\$7,656,250.00
Total (Item Nos. 1.4a, 1.7, 1.8, & 2.3a):					\$16,920,750.00

2. Section 13(D), *Advertising Standards*, of the Scope of Work (Appendix A) is hereby amended to include the following additional requirement:

“The Contractor is prohibited from placing advertising materials that display the image or likeness of any candidate, as that term is defined in Section 97.021, Florida Statutes. This prohibition does not apply to advertisements promoting Miami-Dade County sponsored events, activities or services.”

3. This Supplemental Agreement, when executed, will increase the total contract allocation by \$16,920,750.00 from \$12,705,720.00 to \$29,626,470.00.

These changes are subject to approval by the Board of County Commissioners.

All other terms, covenants and conditions of the original Contract and any prior Supplemental Agreement(s) issued thereto shall remain in full force and effect, except to the extent herein amended.

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement No. 2 to County Contract No. RFP-01071, *Bus Passenger Shelter Program*.

Outfront Media Group LLC

Miami-Dade County

By: _____

Name: _____

Title: _____

Date: _____

Attest: _____

Corporate Secretary/Notary

By: _____

for

Name: Daniella Levine Cava

Title: Mayor

Date: _____

Attest: _____

Juan Fernandez-Barquin

Clerk of the Court and Comptroller

SUBSCRIBED AND SWORN TO BEFORE ME
THIS 22nd DAY OF Sept., 2023.
Corporate Seal Notary

Approved as to form
and legal sufficiency



Bruce Zilhaber
Assistant County Attorney



Memorandum



To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Javier A. Betancourt, Executive Director 

Date: February 28, 2024

Re: **CITT AGENDA ITEM 7A:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS AMEND RESOLUTION NO. R-469-20 TO RETROACTIVELY INCREASE THE EXPENDITURE AUTHORITY FOR CONTRACT NO. RFP-01071, THE BUS PASSENGER SHELTER PROGRAM FOR THE DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS, IN AN AMOUNT NOT TO EXCEED \$3,213,800.00, AND RETROACTIVELY AUTHORIZE THE USE PEOPLE'S TRANSPORTATION PLAN (PTP) BOND PROGRAM FUNDS FOR THE ORIGINAL CONTRACT AMOUNT NOT TO EXCEED \$12,705,720.00, FOR A PROJECT WHICH WAS INCLUDED IN THE ORIGINAL EXHIBIT 1 TO THE PTP; AUTHORIZE WAIVER OF COMPETITIVE BIDDING PROCEDURES PURSUANT TO SECTION 5.03(D) OF THE HOME RULE CHARTER AND SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA (THE "COUNTY CODE") BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT; AUTHORIZE A NON-COMPETITIVE PURCHASE FOR THE BUS PASSENGER SHELTER PROGRAM AND APPROVE SUPPLEMENTAL AGREEMENT NO. 2 TO CONTRACT NO. RFP-01071 WITH AN ADDITIONAL EXPENDITURE AUTHORITY OF \$16,920,750.00 (THE "SUPPLEMENTAL EXPENDITURE AUTHORITY"); AUTHORIZE THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2 AND EXERCISE ALL PROVISIONS CONTAINED THEREIN, INCLUDING ANY TERMINATION, CANCELLATION, OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38; AND AUTHORIZE THE USE OF PTP BOND PROGRAM FUNDS TO PAY FOR THE SUPPLEMENTAL EXPENDITURE AUTHORITY FOR A PROJECT WHICH WAS INCLUDED ORIGINAL EXHIBIT 1 TO THE PTP (**DTPW – BCC LEGISLATIVE FILE NO. 240127**)

On February 28, 2024, the CITT voted (7-1) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 24-004. The vote was as follows:

Robert Wolfarth, Chairperson – Aye
Mary Street, Esq., 1st Vice-Chairperson – Aye
Hon. Peggy Bell, 2nd Vice-Chairperson – Aye

Meg Daly – Aye
Kenneth Kilpatrick – Aye
Robert Ruano – Nay

Qjuezari Harvey – Absent
David Marin – Aye
Paul J. Schwiep, Esq. – Absent

c: Jimmy Morales, Chief Operations Officer
Bruce Libhaber, Assistant County Attorney