

# Memorandum



**Date:** October 16, 2024

Agenda Item No. 8(N)(11)

**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".

Resolution No. R-941-24

**Subject:** First Amendment to Off-System Construction and Maintenance Agreement to Implement Wrong-Way Driving Countermeasures between Miami-Dade County and the Florida Department of Transportation for FM# 446947-3-52-01 at Various Locations to Include Work at SW 24 Street, NW 47 Avenue, NW 37 Avenue, NW 62 Street and NE 203 Street

## Executive Summary

The purpose of this item is for the Board of County Commissioner (Board) to approve a First Amendment (Amendment) to the Off-System Construction and Maintenance Agreement with the Florida Department of Transportation (FDOT) for the implementation of local roadway improvements including various wrong-way driving countermeasures within a project on FM# 446947-3-52-01, i.e., SW 24 Street at the intersection with the SR 826/Palmetto Expressway southbound off-ramp, NW 47 Avenue at the intersection with the SR 826/Palmetto Expressway westbound off-ramp, NW 37 Avenue at the intersection with the SR 826/Palmetto Expressway westbound and eastbound, NW 62 Street at the intersection with I-95 northbound off-ramp, and NE 203 Street at the intersection with the I-95 southbound off-ramp. The County is holder of ownership rights to SW 24 Street, NW 47 Avenue, NW 37 Avenue, NW 62 Street and NE 203 Street. The specific improvements include pavement milling and resurfacing as well as the installation of roadway signage and pavement markings.

On May 7, 2024, the Board approved Resolution No. R-393-24 directing the County Mayor or County Mayor's designee to execute an Off-System Construction and Maintenance Agreement between the County and FDOT for the construction of improvements on SW 24 Street, NW 47 Avenue, NW 37 Avenue, and NE 203 Street. The need to add an additional intersection at NW 62 Street with I-95 northbound off-ramp is due to FDOT's further review of records from the previous design within the FDOT project FM#446947-3-52-01. The project is estimated to cost approximately \$183,444.50 and will be funded and built by FDOT. The anticipated construction start date is February 2025.

## Recommendation

It is recommended that the Board approve the attached resolution authorizing the execution of the Amendment to the Off-System Construction and Maintenance Agreement between the County and FDOT for the construction of improvements on SW 24 Street, NW 47 Avenue, NW 37 Avenue, NW 62 Street and NE 203 Street. The total new estimated project cost of \$183,444.50 will be funded by FDOT.

**Scope**

The improvements being constructed are located within various Commission Districts and are thereby listed individually below.

**Delegation of Authority**

The authority of the County Mayor or County Mayor's designee to execute and implement this Amendment, including exercising all the provisions contained therein, 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 Amendment.

**Fiscal Impact/Funding Source**

The revised project is estimated to cost \$183,444.50 and will be funded and built by FDOT. The initial agreement was estimated at \$181,810.50. The County is required to provide maintenance operations within the County's right-of-way upon completion of the project as part of existing maintenance efforts. These funds will be funded through the Department of Transportation and Public Works (DTPW) General Fund allocation.

**Track Record/Monitor**

The Department of Transportation and Public Works (DTPW) is the entity overseeing this project and the person responsible for monitoring this Amendment is Maria D. Molina, P.E., Chief, Right-of-Way Division.

**Background**

On May 7, 2024, the Board approved Resolution No. R-393-24 directing the County Mayor or County Mayor's designee to execute an Off-System Construction and Maintenance Agreement between the County and FDOT for the construction of improvements at SW 24 Street, NW 47 Avenue, NW 37 Avenue, and NE 203 Street.

This Amendment to the previously approved Off-System Construction and Maintenance Agreement is for the construction of local roadway improvements on SW 24 Street, NW 47 Avenue, NW 37 Avenue, and NE 203 Street; an additional portion of the project includes work on NW 62 Street. The improvements to be constructed are the implementation of wrong-way driving countermeasures; the specific improvements include, but are not limited to, the following:

**LOCATION**

- A portion of SW 24 Street at the intersection with the SR 826/Palmetto Expressway southbound off-ramp (Commissioner Kevin Marino Cabrera, District 6) as previously approved.
- A portion of NW 47 Avenue at the intersection with the SR/826 Palmetto Expressway westbound off-ramp (Chairman Oliver G. Gilbert, III, District 1) as previously approved.
- A portion of NW 37 Avenue at the intersection with the SR/826 Palmetto

Expressway westbound and eastbound (Chairman Oliver G. Gilbert, III, District 1) as previously approved.

- A portion of NW 62 Street at the intersection with the I-95 northbound off-ramp (Commissioner Keon Hardemon, District 3) as being added by this amendment.
- A portion of NE 203 Street at the intersection with the I-95 southbound off-ramp (Commissioner Micky Steinberg, District 4) as previously approved.

The project shall include but is not be limited to the following:

- Pavement milling and resurfacing;
- Installation of roadway signage; and
- Installation of pavement markings.

If the project requires the acquisition of additional right-of-way, FDOT shall acquire such right-of-way to complete the project at no cost to the County. The anticipated construction start date of February 2025 is consistent with the initial agreement.



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Jimmy Morales  
Chief Operating Officer



# MEMORANDUM

(Revised)

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

**DATE:** October 16, 2024

**FROM:**   
Glen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 8(N)(11)

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 \_\_\_\_, majority plus one \_\_\_\_, 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) \_\_\_\_, 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)(11)  
10-16-24

RESOLUTION NO. \_\_\_\_\_ R-941-24

RESOLUTION APPROVING A FIRST AMENDMENT TO AN OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR THE IMPLEMENTATION OF WRONG-WAY DRIVING COUNTERMEASURES AT VARIOUS LOCATIONS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND IMPLEMENT THE AGREEMENT, INCLUDING EXERCISING ALL 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,

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

**Section 1.** Approves the foregoing recital and incorporates it into this resolution.

**Section 2.** Approves the First Amendment to Off-System Construction and Maintenance Agreement between Miami-Dade County and the Florida Department of Transportation, in substantially the form attached hereto and incorporated herein, for the implementation of wrong-way driving countermeasures at various locations.

**Section 3.** Authorizes the County Mayor or County Mayor's designee to execute the agreement for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner **Eileen Higgins**, 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 | <b>aye</b>    |                      |               |
| Anthony Rodríguez, Vice Chairman | <b>aye</b>    |                      |               |
| Marleine Bastien                 | <b>aye</b>    | Juan Carlos Bermudez | <b>aye</b>    |
| Kevin Marino Cabrera             | <b>aye</b>    | Sen. René García     | <b>aye</b>    |
| Roberto J. Gonzalez              | <b>aye</b>    | Keon Hardemon        | <b>absent</b> |
| Danielle Cohen Higgins           | <b>aye</b>    | Eileen Higgins       | <b>aye</b>    |
| Kionne L. McGhee                 | <b>aye</b>    | Raquel A. Regalado   | <b>aye</b>    |
| Micky Steinberg                  | <b>absent</b> |                      |               |

The Chairperson thereupon declared this resolution duly passed and adopted this 16<sup>th</sup> day of October, 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.

Annery Pulgar Alfonso

**FIRST AMENDMENT TO OFF-SYSTEM CONSTRUCTION AND  
MAINTENANCE AGREEMENT BETWEEN STATE OF FLORIDA,  
DEPARTMENT OF TRANSPORTATION AND MIAMI-DADE COUNTY,  
FLORIDA**

**THIS FIRST AMENDMENT TO OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT BETWEEN STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION AND MIAMI-DADE COUNTY, FLORIDA** (this “Amendment”) is entered into as of \_\_\_\_\_, 2024, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida (the “Department”) and MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida (the “County”) (collectively, the Department and the County shall be referred to as the “Parties,” and individually, as “Party”).

**RECITALS**

**WHEREAS**, the Department is implementing Wrong-Way Driving (“WWD”) Countermeasures at various locations throughout Miami-Dade County (the “Project”).

**WHEREAS**, the Project includes certain roadway improvements on SW 24 Street, NW 47 Avenue, NW 37 Avenue, and NE 203 Street, which belongs to the County (“Local Roadway Improvements”); and

**WHEREAS**, the Department and the County entered into an Off-System Construction and Maintenance Agreement dated \_\_\_\_\_ (the “Off-System Agreement”), wherein the Parties agreed, among other things, that the Department shall undertake and complete all activities associated with the Local Roadway Improvements defined therein, including, but not limited to, the design, construction, construction inspection, maintenance during construction, and right-of-way acquisition, and that after completion of construction, the County shall be immediately responsible for the maintenance of the Local Roadway Improvements; and

**WHEREAS**, the Parties desire to amend the Off-System Agreement to revise the Local Roadway Improvements defined in the Off-System Agreement and replace Exhibit A of the Off-System Agreement with a newly revised Exhibit A.

**NOW, THEREFORE, the Parties agree as follows:**

1. The foregoing recitals are true and correct and are hereby incorporated into this Amendment by this reference.
2. Paragraphs B and C of the Off-System Agreement are deleted and are replaced with the following:
  - b. Included in the Department Work Program is Project Number FM# 446947-3-52-01 to implement Wrong-Way Driving (“WWD”) Countermeasures at various locations throughout Miami-Dade County (the “Project”). Portions of the Project include work at SW 24 Street, NW 47 Avenue, NW 37 Avenue, NW 62<sup>nd</sup> Street, and NE 203 Street in Miami-Dade County, Florida, roads not on the State Highway System; and
  - c. The County is the holder of ownership rights to SW 24 Street, NW 47 Avenue,

NW 37 Avenue, NW 62 Street, and NE 203 Street, roads not on the State Highway System; and

3. Term 2 of the Off-System Agreement is deleted and is replaced with the following:
  2. The Parties agree that the Department intends to undertake and complete Project Number FM# 446947-3-52-01 on various locations in Miami-Dade County for the implementation of WWD Countermeasures. The Project shall include improvements on SW 24 Street at the intersection with the SR 826/Palmetto Expressway southbound off-ramp, NW 47 Avenue at the intersection with the SR 826/Palmetto Expressway westbound off-ramp, NW 37 Avenue at the intersection with the SR 826/Palmetto Expressway westbound and eastbound, NW 62 Street at the intersection with the I-95 northbound and NW 203 Street at the intersection with the I-95 northbound off-ramp (for purposes of this agreement, the “Off-System Project Limits”). The work within the Off-System Project Limits shall include, but may not be limited to the following (hereinafter referred to as the “Local Roadway Improvements”) as set forth in Exhibit A, attached hereto:
    - a) Pavement milling and resurfacing;
    - b) Installation of roadway signage; and
    - c) Installation of pavement markings.

The Project shall further include all activities associated with or arising out of the construction of the Local Roadway Improvements. In the event that the Project requires the acquisition of additional right-of-way within the Off-System Project Limits, the Department shall acquire such right-of-way in order to complete the Project. The County shall cooperate with and shall support the Department’s work efforts in these regards.

The Department will design and construct the Project in accordance with all applicable federal and state laws and regulations and in accordance with Department design and construction standards as set forth in the Department’s guidelines, standards, and procedures. The Department shall have final decision authority with respect to the design, the design review process, and construction of the Local Roadway Improvements, and the relocation of any utilities that the Department may determine to be required.

4. Exhibit A of the Off-System Agreement is deleted in its entirety and is replaced with the newly revised Exhibit A attached hereto and made a part hereof.

5. Except as expressly provided herein, all of the terms, conditions, covenants, agreements, and understandings contained in the Off-System Agreement shall remain unchanged and in full force and effect, and the same are hereby expressly ratified and confirmed by the Parties. Notwithstanding, wherever the terms of this Amendment and the terms of the Off-System Agreement are in conflict, the terms of this Amendment shall govern and control.

[SIGNATURE PAGE FOLLOWS.]

IN WITNESS WHEREOF, the Parties hereto have executed this First Amendment on the dates exhibited by the signatures below.

**MIAMI-DADE COUNTY**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_  
Operations

Date: \_\_\_\_\_

Attest: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Approved as to form and legality:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**STATE OF FLORIDA, DEPARTMENT  
OF TRANSPORTATION**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: Director of Transportation

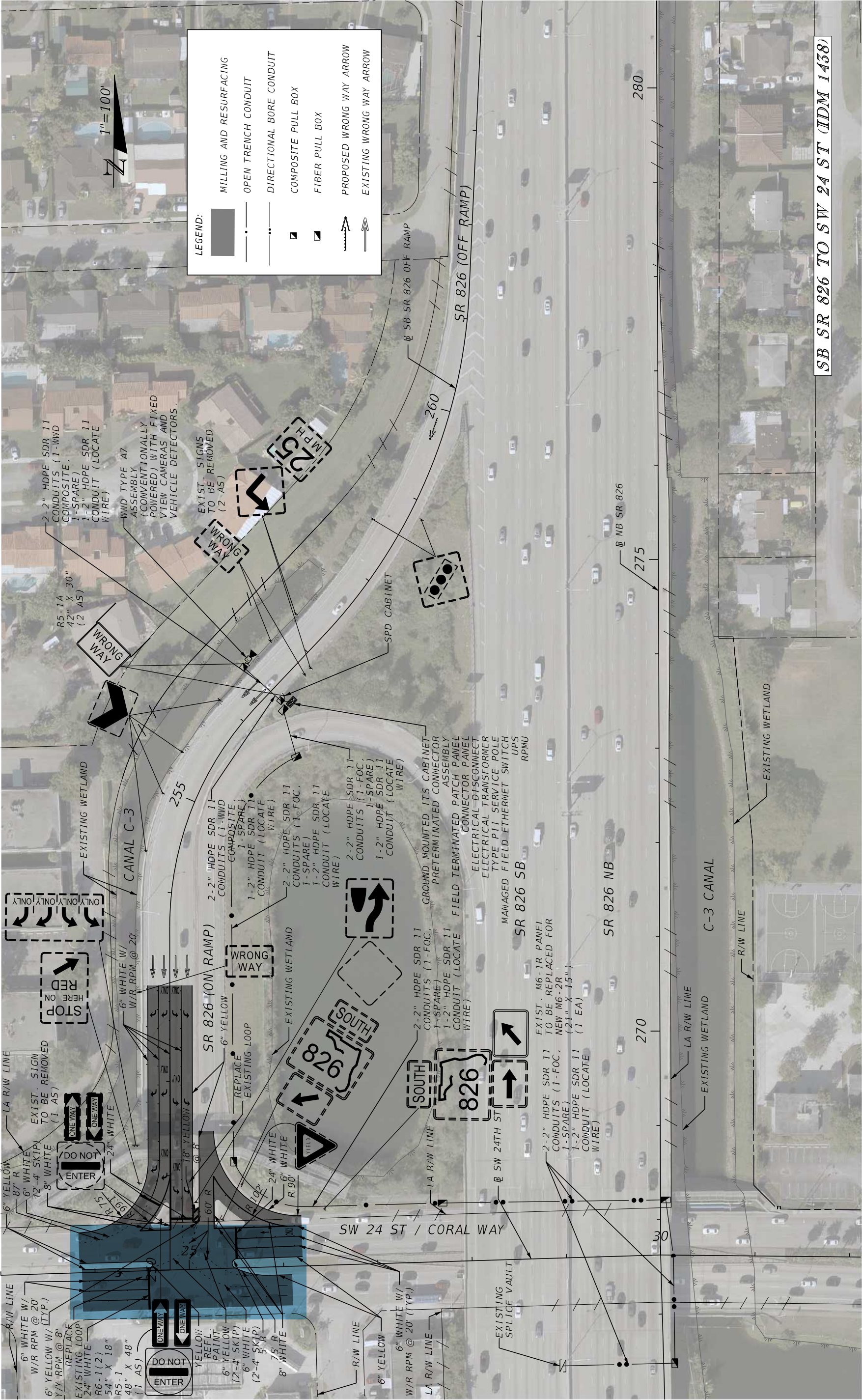
Date: \_\_\_\_\_

Department Legal Review:

\_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_



SB SR 826 TO SW 24 ST (IDM 1438)

| REVISIONS |             | DESCRIPTION |             |
|-----------|-------------|-------------|-------------|
| DATE      | DESCRIPTION | DATE        | DESCRIPTION |
|           |             |             |             |

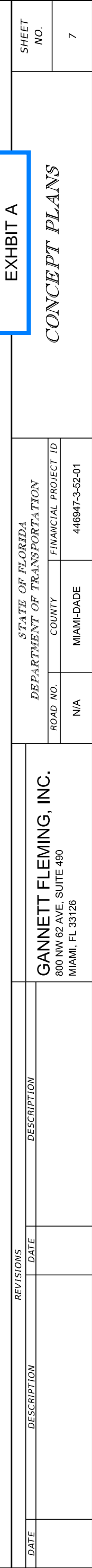
GANNETT FLEMING, INC.  
800 NW 62 AVE, SUITE 490  
MIAMI, FL 33126

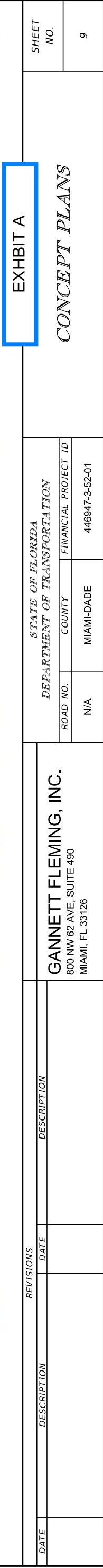
| STATE OF FLORIDA<br>DEPARTMENT OF TRANSPORTATION |            |                      |  |
|--------------------------------------------------|------------|----------------------|--|
| ROAD NO.                                         | COUNTY     | FINANCIAL PROJECT ID |  |
| N/A                                              | MIAMI-DADE | 446947-3-52-01       |  |

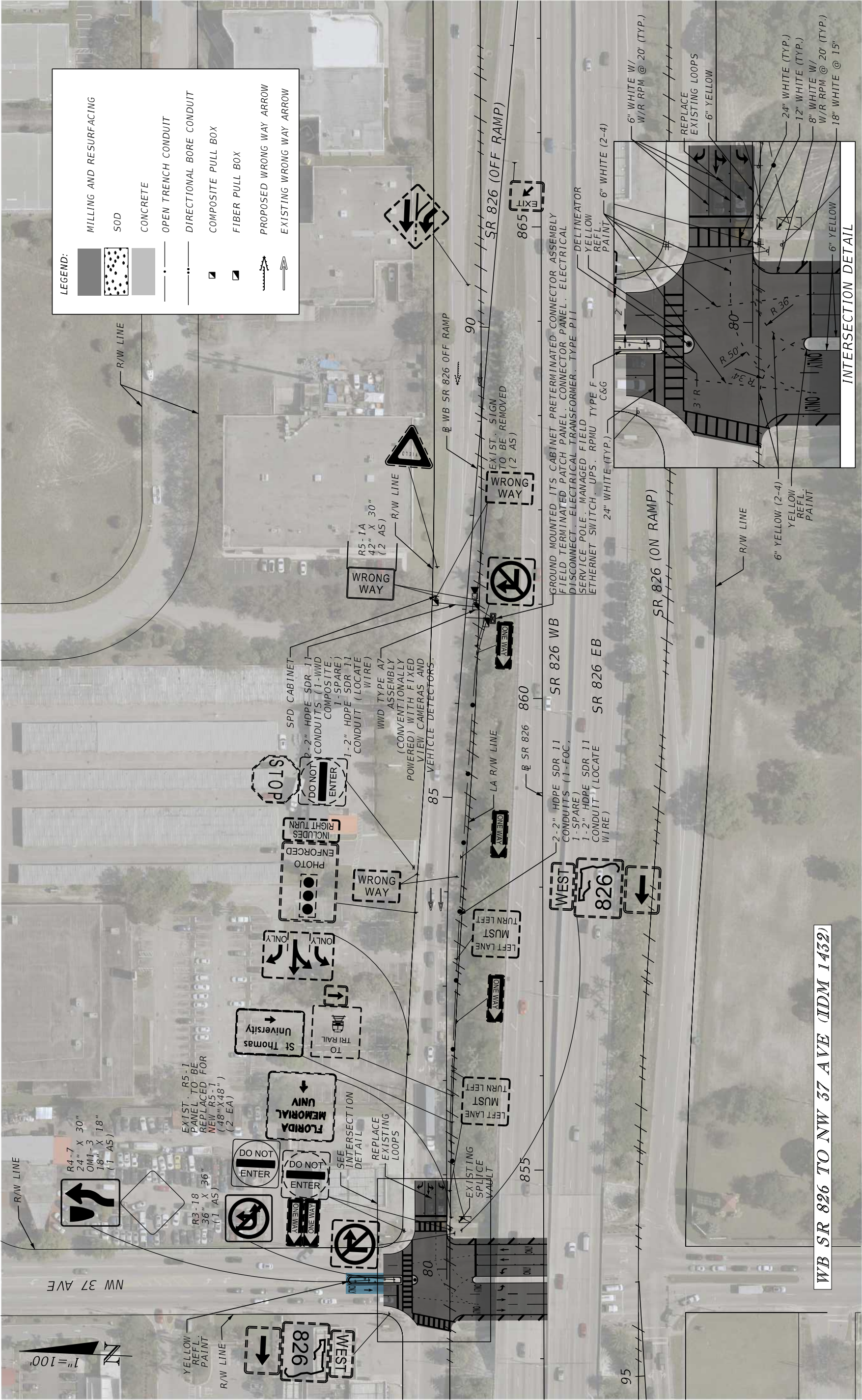
EXHIBIT A

CONCEPT PLANS

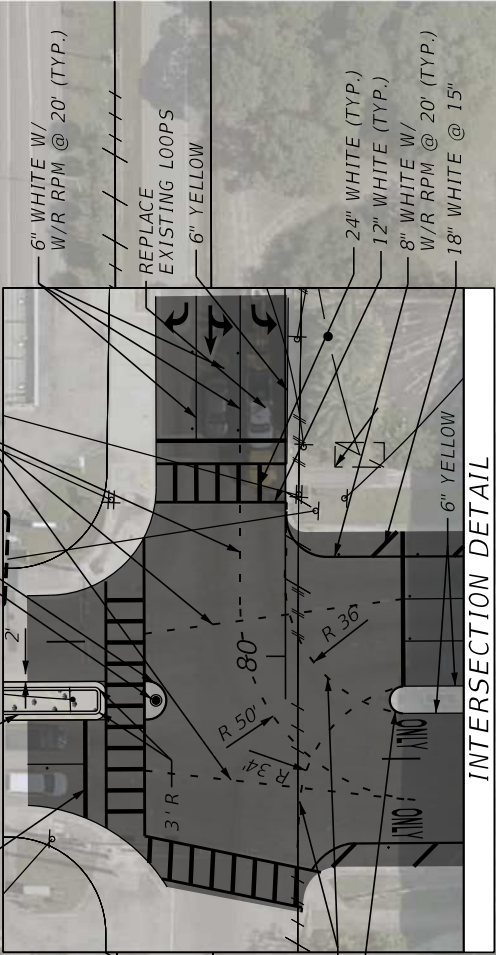
| SHEET NO. |
|-----------|
| 4         |







WB SR 826 TO NW 37 AVE (IDM 1432)

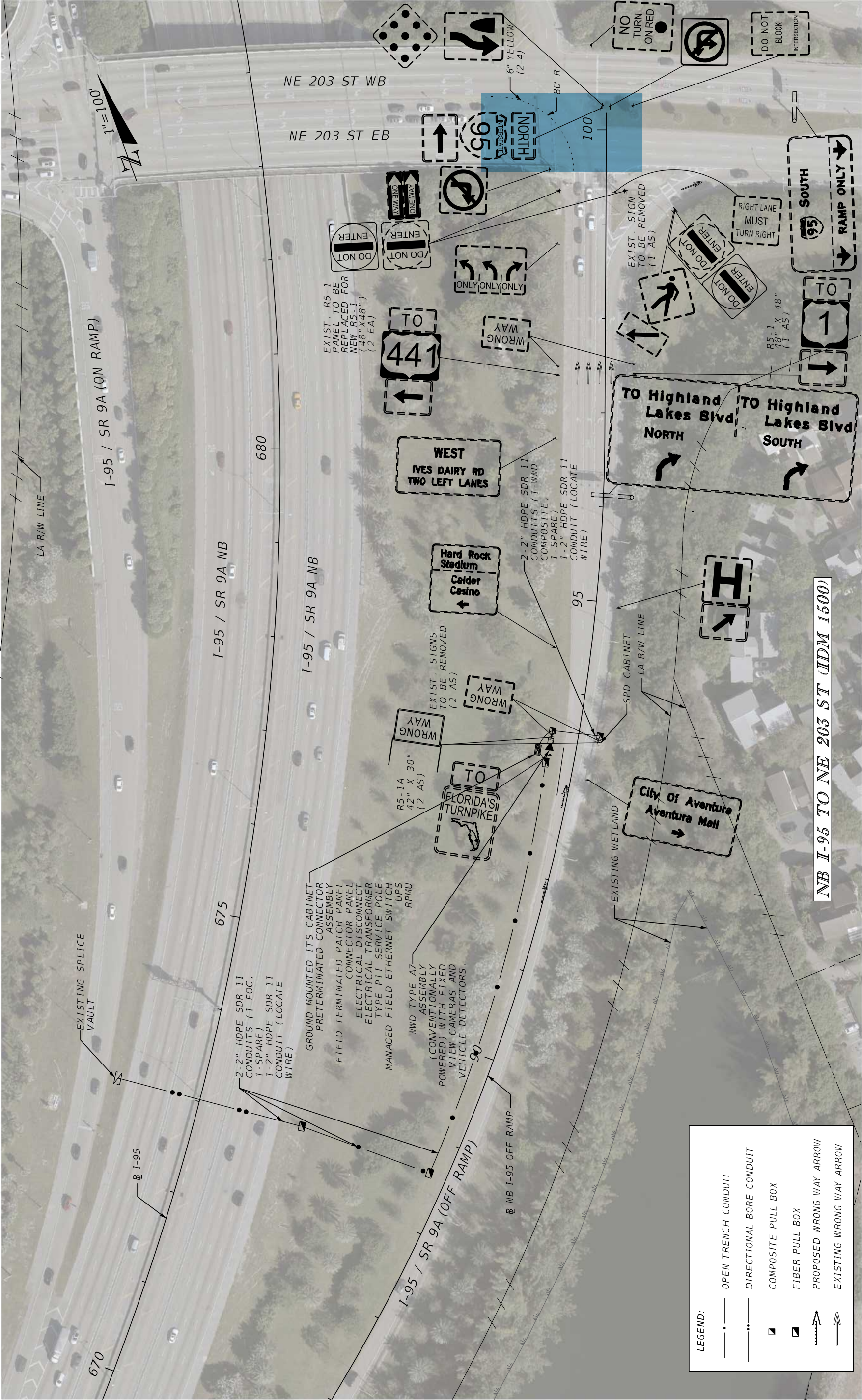


|               |             |      |             |                                                                      |  |  |  |                                                  |            |                      |  |           |  |           |    |
|---------------|-------------|------|-------------|----------------------------------------------------------------------|--|--|--|--------------------------------------------------|------------|----------------------|--|-----------|--|-----------|----|
| REVISIONS     |             |      |             | GANNETT FLEMING, INC.<br>800 NW 62 AVE, SUITE 490<br>MIAMI, FL 33126 |  |  |  | STATE OF FLORIDA<br>DEPARTMENT OF TRANSPORTATION |            |                      |  | EXHIBIT A |  | SHEET NO. |    |
| DATE          | DESCRIPTION | DATE | DESCRIPTION |                                                                      |  |  |  | ROAD NO.                                         | COUNTY     | FINANCIAL PROJECT ID |  |           |  |           |    |
|               |             |      |             |                                                                      |  |  |  | N/A                                              | MIAMI-DADE | 446947-3-52-01       |  |           |  |           | 10 |
| CONCEPT PLANS |             |      |             |                                                                      |  |  |  |                                                  |            |                      |  |           |  |           |    |



EXHIBIT A

# CONCEPT PLANS



NB I-95 TO NE 203 ST (IDM 1500)

| REVISIONS |             |      | GANNETT FLEMING, INC.<br>800 NW 82 AVE, SUITE 490<br>MIAMI, FL 33126 |          |            | STATE OF FLORIDA<br>DEPARTMENT OF TRANSPORTATION |  |  | EXHIBIT A     |  | SHEET NO. |
|-----------|-------------|------|----------------------------------------------------------------------|----------|------------|--------------------------------------------------|--|--|---------------|--|-----------|
| DATE      | DESCRIPTION | DATE | DESCRIPTION                                                          | ROAD NO. | COUNTY     | FINANCIAL PROJECT ID                             |  |  |               |  |           |
|           |             |      |                                                                      | N/A      | MIAMI-DADE | 446947-3-52-01                                   |  |  | CONCEPT PLANS |  | 20        |