

RESOLUTION NO. 14-170

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO THE NW 97 AVENUE JOINT PARTICIPATION AGREEMENT WITH MIAMI-DADE COUNTY FOR THE INCREASE IN FUNDING TO \$1,626,795.42 TO MATCH THE ESTIMATE DEVELOPED AS PART OF THE FINAL DESIGN; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, in May 2013, the City of Doral (City) Council authorized the City Manager to enter into a Joint Participation Agreement (JPA) with Miami-Dade County (County) for the construction of NW 97 Avenue from NW 70th Street to NW 74th Street (Project); and

WHEREAS, in May 2013, per Resolution 13-45, City of Doral (City) Council authorized the City Manager to advance funds for construction of project in the amount of \$1.5 million; and

WHEREAS, in September 2013, the City Council authorized the Public Works Department (PWD) to proceed with the design of the Project which is currently substantially completed; and

WHEREAS, the construction cost estimate developed as part of the design (\$1,626,795.42) is substantially higher than the estimate developed at the time the original JPA was executed (\$976,752.70); and

WHEREAS, the PWD has coordinated with the County for the approval of the design cost estimate and initiation of an amendment to the original JPA to increase the funding to the design estimate amount (\$1,626,795.42); and

WHEREAS, the PWD respectfully requests that the City Council authorize the City Manager to execute the First Amendment to the Joint Participation Agreement for NW 97th

Avenue from NW 70th Street to NW 74th Street that would increase the JPA funding to \$1,626,795.42 and would be available for reimbursements to the City for eligible costs on the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. Approval. The City Council of the City of Doral hereby authorizes the City Manager to execute the First Amendment to the Joint Participation Agreement for NW 97th Avenue from NW 70th Street to NW 74th Street, attached as Exhibit A, that would increase the JPA funding to \$1,626,795.42 and would be available for reimbursements to the City for eligible costs on the Project.

Section 3. Implementation. The City Manager and the City Attorney are hereby authorized to take all such actions as may be necessary to implement the purpose of this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing resolution was offered by Vice Mayor Ruiz who moved its adoption. The motion was seconded by Councilmember Cabrera and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED and ADOPTED this 12th day of November, 2014



LUIGI BORIA, MAYOR

ATTEST:



BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



WEISS, SEROTA, HELFMAN, PASTORIZA
COLE AND BONISKE
CITY ATTORNEY

EXHIBIT “A”

FIRST AMENDMENT TO JOINT PARTICIPATION AGREEMENT FOR NW 97 AVENUE FROM NW 70 STREET TO NW 74 STREET BETWEEN MIAMI-DADE COUNTY AND THE CITY OF DORAL

This First Amendment to the Joint Participation Agreement is made and entered into this _____ day of _____, 2014, by and between Miami-Dade County, a political subdivision of the State of Florida, herein referred to as the “County”, and the City of Doral, a political subdivision of the State of Florida, herein referred to as the “City”.

WITNESSETH

WHEREAS, pursuant to Resolution No. R-48-14, approved by the Board of County Commissioners of Miami-Dade County, Florida, on January 22, 2014, 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 NW 97 Avenue, from NW 70 Street to NW 74 Street in Doral, Miami-Dade County, as more particularly described in the Agreement (the “Project”); and

WHEREAS, due to the inclusion of additional roadway items, an additional \$650,042.72 is required to adjust the amount provided under the Joint Participation Agreement from \$976,752.70 to \$1,626,795.42; and

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

WHEREAS, as of the date of this amendment the County has not made

any reimbursements to the City,

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 County agrees to provide funds up to ~~\$976,752.70~~\$1,626,795.42 (this amount includes ten percent (10%) contingency) 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 expenses as defined herein, incurred for the construction of the Project under this Agreement are specified below:

<u>Funding Amount</u>	<u>Funding Source</u>	<u>County Fiscal Year of Commitment</u>
\$976,752.70	Road impact Fee District 1	2014-2015
<u>\$1,626,795.42</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: _____
Deputy Clerk

BY: _____
County Mayor or County Mayor' Designee

Approved by County Attorney
as to form and legal sufficiency _____

County Attorney

ATTEST:

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

BY: _____

Barbara Herrera
City Clerk

BY: _____

Edward A. Rojas
City Manager

(Affix City Seal)

Approved by City Attorney
as to legal form and correctness:

City Attorney