

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT), OFFICE OF THE INSPECTOR GENERAL, TO COMMENCE AN INVESTIGATION INTO POTENTIAL VIOLATION(S) OF THE CONTRACT PLANS, BY FDOT CONTRACTOR(S) AND/OR SUBCONTRACTOR(S), WITH REGARD TO UNAUTHORIZED, OR POSSIBLY IMPROPERLY AUTHORIZED, LANE CLOSURES CONCERNING THE INSTALLATION OF TRAFFIC SIGNALIZATION DEVICES ON 41ST STREET AND JEFFERSON AVENUE IN THE CITY OF MIAMI BEACH, AND, ADDITIONALLY, REQUESTING THAT THE CITY OF MIAMI BEACH OFFICE OF THE INSPECTOR GENERAL COMMENCE A SIMILAR INVESTIGATION INTO POSSIBLE SIMILAR CONDUCT BY CITY CONTRACTORS AND/OR SUBCONTRACTOR(S) ON THE 41ST STREET CORRIDOR.

WHEREAS, the Florida Department of Transportation ("FDOT") is an executive agency in the State of Florida whose mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of the State's environment and communities; and

WHEREAS, FDOT has jurisdiction over the State Highway System, which includes 41st Street in the City of Miami Beach; and

WHEREAS, FDOT has engaged the services of contractor(s) who, in turn, may utilize certain subcontractor(s), regarding the installation of traffic signalization devices on 41st Street and Jefferson Avenue (the "41st Street Project") in the City; and

WHEREAS, FDOT created and provided contract plans (attached and incorporated hereto as Exhibit "A"), setting forth various requirements pertaining to the 41st Street Project, including permitted times for lane closures; and

WHEREAS, the contract plans specify that lane closures shall only occur during non-peak hours, which are identified as 9:00 a.m. - 3:30 p.m., weekdays and weekends; and

WHEREAS, the City is concerned that the contractor(s) working on the 41st Street Project have routinely disregarded the lane closure hours set forth by FDOT in the contract plans by closing lanes well before and after the non-peak hours, which closures have caused major traffic impacts and created traffic nuisances, during peak hours, for the City's residents and visitors; and

WHEREAS, FDOT has an Office of the Inspector General ("OIG") whose mission is to provide independent and objective investigative and audit services that promote accountability, integrity, and efficiency within the Florida Department of Transportation and its partners; and

WHEREAS, Fla. Stat. 20.055 provides that the OIG has the authority, and the responsibility, to keep FDOT (and its agency head) informed concerning fraud, abuse and deficiencies relating to programs and operations administered or financed by FDOT, to

recommend corrective action concerning any such fraud, abuse and/or deficiencies, and to report on the progress made in implementing the corrective action; and

WHEREAS, the City has also engaged the services of contractor(s) who, in turn, may utilize certain subcontractor(s) to perform work along the 41st Street corridor;

WHEREAS, these City contractors may also have disregarded lane closure requirements by closing lanes of traffic that were unnecessary for the scope of work for the project(s) or by closing lanes of traffic during non-approved times; and

WHEREAS, Art. IX, Sec. 9.01 of the Code of the City of Miami Beach established the Office of the Inspector General "as an independent body to perform investigations, audits, reviews, and oversight of municipal matters including City contracts, programs, projects, and expenditures, in order to identify efficiencies, and to detect, investigate and prevent fraud, waste, mismanagement, misconduct, and abuse of power"; and

WHEREAS, while the City recognizes that unforeseen and/or extenuating circumstances will occasionally require contractors (and their subcontractors) to operate outside of their permitted hours, lane closures and work taking place beyond the hours or beyond the scope of work established in the contract plans has been routinely occurring, with no notice to the City, in regard to the 41st Street Project.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby urge the Florida Department of Transportation (FDOT), Office of the Inspector General, to commence an investigation into potential violation(s) of the contract plans, by FDOT contractor(s) and/or subcontractor(s), with regard to unauthorized, or possibly improperly authorized, lane closures concerning the installation of traffic signalization devices on 41st street and Jefferson Avenue in the City of Miami Beach, and, additionally, requesting that the City of Miami Beach Office of the Inspector General commence a similar investigation into possible similar conduct by City contractors and/or subcontractor(s) on the 41st Street corridor.

PASSED and ADOPTED this 9th day of February, 2022.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Steven Meiner)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Widdell 2/7/2022
for City Attorney Date
ORR