

**AMENDMENT NO. 10
TO THE PROFESSIONAL ARCHITECTURAL
AND
ENGINEERING (A/E) SERVICES AGREEMENT
BETWEEN THE CITY OF MIAMI BEACH, FLORIDA
AND
WOLFBERG/ALVAREZ AND PARTNERS, INC.
DATED MARCH 27TH, 2008,**

**FOR THE PROVISION OF ADDITIONAL PROFESSIONAL ARCHITECTURAL AND
ENGINEERING SERVICES FOR THE FLAMINGO PARK PROJECT IN THE AMOUNT
OF \$35,216**

This Amendment No. 10 to the Agreement made and entered this _ day of _____, 2019, by and between the CITY OF MIAMI BEACH, a municipal corporation existing under the laws of the State of Florida (hereinafter referred to as City), having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida 33139, and WOLFBERG/ALVAREZ AND PARTNERS, INC., a Florida corporation, having its offices at 75 Valencia Avenue, Suite 1050, Coral Gables, FL 33134 (hereinafter referred to as Consultant).

RECITALS

WHEREAS, pursuant to Request for Qualifications (RFQ) No. 15-06/07, the Mayor and City Commission adopted Resolution No. 2007-26609 on September 05, 2007, approving and authorizing the Mayor and City Clerk to execute an Agreement with Wolfberg / Alvarez and Partners, Inc., for Professional Architecture and Engineering Services for the Flamingo Park Project (the Agreement); and

WHEREAS, the Agreement provides for the architectural, engineering, master planning, landscape architecture and surveying, as necessary for the Project and includes the development of the Master Plan Concept; and the design, bidding and award services, and construction administration of the Tennis Center; and

WHEREAS, the Agreement was executed for a not-to-exceed amount of \$443,000; and

WHEREAS, on July 14, 2010, the City Commission adopted Resolution No. 2010-27427, approving Amendment No.1 to the Agreement, in the amount of \$77,720, for the provision of additional architectural and engineering services associated with revisions to the Master Plan and Tennis Center; and

WHEREAS, Amendment No. 2 was executed by the City on March 20, 2012, in the amount of \$1,528, for the provision of additional architectural and engineering services associated with the relocation of the FPL transformer to the south side of the Tennis Center and associated revisions to the electrical room; and

WHEREAS, Amendment No. 3 was executed on October 2, 2012, in the amount of

\$2,902, for the provision of additional architectural and engineering services associated with the partial re-design of the Tennis Center building structure due to an unforeseen existing underground utility duct bank; and

WHEREAS, Amendment No. 4 was executed on August 15, 2013, in the amount of \$2,016, for the provision of additional architectural engineering services associated with the design of the structural support of the ornamental sphere to be installed in the landscape planter on the west side of the Tennis Center building; and

WHEREAS, on January 15, 2014, the City Commission adopted Resolution No. 2014-28449, approving Amendment No.5 in the amount of \$403,261, for additional architectural and engineering services associated with the planning, bidding and construction phase services of the remaining Park improvements, which consist of a community garden, baseball field renovation, historic lodge renovation, new park entrance, enhanced pedestrian/bike paths, new interactive water feature, teenage activity, lighting enhancement, signage, drainage, landscaping and irrigation; and

WHEREAS, Amendment No. 6 was executed by the City on April 23, 2015, in the amount of \$14,732, for the provision of additional architectural and engineering services associated with scope modifications to the Master Plan concept that include an outdoor fitness cluster, the replacement of the community garden with a butterfly garden, the relocation of the new restroom facility, and upgrades to all playing fields (sod, drainage and irrigation); and

WHEREAS, Amendment No. 7 was executed by the City on July 14, 2015, in the amount of \$15,090, for the provision of additional architectural and engineering services associated with professional design services to renovate the existing soccer field, including replacing existing sod with synthetic turf and site drainage in and around the field; and

WHEREAS, on December 14, 2016, the City Commission adopted Resolution No. 2016-29672, approving Amendment No. 8 in the amount of \$231,269, for the provision of additional architectural and engineering services that include updated phases for construction completion, revised construction cost estimates; the design, bidding and construction administration of the renovation of the Robert C. Hass Handball Court Building, the Joe Rubin Handball Court Building and the eight (8) existing outdoor courts; and the renovation of the softball field with new lighting, new benches and dug out, and a synthetic turf playing field with associated site drainage; and

WHEREAS, On September 12, 2018, the City Commission adopted Resolution No. 2018-30478, approving Amendment No. 9 in the amount of \$71,200, for the provision of additional architectural and engineering services that include revisions for the relocation of the existing IT Room (currently located inside the soon to be renovated Historic Lodge), Phase I plan revisions due to Hurricane Irma tree damages, baseball field guy wires relocation due to the unforeseen conflict with the renovation design of ADA ramps, preparation of construction documents for the softball field as a “stand-alone” project and preparation of a new specific purpose and topographic survey for Flamingo Park; and

WHEREAS, Amendment No. 10 to the Agreement is for additional architectural and engineering services associated with additional scope to the Flamingo Park Master Plan due to community request and direction of the Commission to revisit the Flamingo Park Master Plan

with regards to tree retention and mitigation; and

WHEREAS, Amendment No. 10 also includes extended construction administration services for the Flamingo Park Handball Courts Renovation project; and

WHEREAS, Wolberg/Alvarez and Partners submitted a proposal in the amount of \$35,216 for provision of professional services associated with additional scope to the Master Plan concept as defined in Amendment No. 10 (Attachment A); and

WHEREAS, additional services include, an updated tree survey, updated tree disposition plan, review of arborist's report from Starwood properties, recommendations to incorporate off-site trees into the landscape plans, revise the landscape and irrigation plans due to incorporation of larger canopy trees, revisions to civil, site and electrical drawings to reflect a new sidewalk geometry to incorporate an existing Melaleuca tree to the current design; and

WHEREAS, these revisions are required due to the necessity to mitigate the community's concerns regarding additional embellishment to the park due to the removal of the invasive trees specimens; and

WHEREAS, the Consultant will also be providing extended construction administration services for the Flamingo Park Handball Courts Renovation project for added scope of work associated to the restoration of stucco and project phasing required to maintain part of the handball courts operational during construction, as requested by the community; and

WHEREAS, the proposal from Consultant was reviewed, negotiated by staff and found to be fair and reasonable; and

WHEREAS, this Amendment No. 10 to the Agreement, in the not to exceed amount of \$35,216, will revise the total contract amount to a not-to-exceed total of \$1,297,934.

NOW, THEREFORE, the parties hereto, and in consideration of the mutual promises, covenants, agreements, terms, and conditions herein contained, and other good and valuable consideration, the respect and adequacy are hereby acknowledged, do agree as follows:

1. ABOVE RECITALS

The above recitals are true and correct and are incorporated as a part of this Amendment No. 10.

2. MODIFICATIONS

The Agreement is amended as defined in Schedule "A-10", attached herein.

3. OTHER PROVISIONS.

All other provisions of the Agreement, as amended, are unchanged.

4. RATIFICATION.

The City and Consultant ratify the terms of the Agreement, as amended by this Amendment No. 10.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 10 to be executed in their names by their duly authorized officials as of the date first set forth above.

ATTEST:

CITY OF MIAMI BEACH, FLORIDA

Rafael E. Granado, City Clerk

Dan Gelber, Mayor

ATTEST:

CONSULTANT:
WOLFBERG / ALVAREZ AND PARTNERS, INC.

Rafael Labrada

Julio E. Alvarez, President

SCHEDULE "A"

SCOPE OF SERVICES

Schedule "A" entitled, "Scope of Services", is amended as follows:

Add the following under Task 5 – ADDITIONAL SERVICES

Task 5.8 - Additional Design Services:

The scope of services included herein is as follows:

- Provide an updated tree survey
- Update the tree disposition plan
- Review Arborist's report from Starwood properties
- Make recommendations to incorporate off-site trees into the landscape plans
- Revise the landscape and irrigation plans
- Revise civil, site and electrical drawings to reflect a new sidewalk geometry
- Incorporate an existing Melaleuca tree to the current design
- Construction administration services for added project phasing for the Handball Courts Renovation
- Construction administration services for the restoration of the stucco

Please refer to the attached spreadsheet for breakdown of anticipated effort. WA proposes to perform the above-noted services for a not-to-exceed fee of \$35,216.00.

PAYMENT AND COMPENSATION

The total fee proposed for this Scope of Work is a not-to-exceed amount of \$35,216.00 (refer to Exhibit A-10 attached herein).

- Original Agreement amount \$443,000.
- Amendment No. 1: For the provision of additional architectural and engineering services associated with revisions to the master plan and tennis center in the amount of \$77,720.
- Amendment No. 2: For the provision of additional architectural and engineering services associated with the Tennis Center and the relocation of the proposed FPL transformer and associated revisions to the electrical room in the amount of \$1,528.
- Amendment No. 3: For the partial re-design of the Tennis Center building structure due to an unforeseen existing underground utility duct bank in the amount of \$2,902.
- Amendment No. 4: For additional architectural and engineering services associated with the design of the structural support of the ornamental sphere to be installed in the landscape planter on the west side of the Tennis Center

building in the amount of \$2,016.

- Amendment No. 5: For additional architectural and engineering services associated with the planning and design of the remaining park wide improvements, which include a community garden, baseball field renovation, historic lodge renovation, new park entrance, enhanced pedestrian/bike paths, new interactive water feature, lighting enhancement, signage, drainage, landscaping and irrigation, in the amount of \$403,261.
- Amendment No. 6: For additional architectural and engineering services associated with additional revisions to the Master Plan, in the amount of \$14,732.
- Amendment No. 7: For additional architectural and engineering services associated with the design renovation of the existing soccer field, including replacing existing sod with synthetic turf and site drainage in and around the field, in the amount of \$15,090.
- Amendment No. 8: For additional architectural and engineering services that include updated phases for construction completion, revised construction cost estimates; the design, bidding and construction administration of the renovation of the Robert C. Hass Handball Court Building, the Joe Rubin Handball Court Building and the eight (8) existing outdoor courts; and the renovation of the softball field with new lighting, new benches and dug out, and a synthetic turf playing field with associated site drainage, in the amount of \$231,269.
- Amendment No. 9: For additional architectural and engineering services associated with additional scope to the Master Plan concept which includes revisions for the relocation of the existing IT Room (currently located inside the soon to be renovated Historic Lodge), Phase I plan revisions due to Hurricane Irma tree damages, baseball field guy wires relocation due to the unforeseen conflict with the renovation design of ADA ramps, preparation of construction documents for the softball field as a “stand-alone” project and preparation of a new specific purpose and topographic survey for Flamingo Park, in the amount of \$71,200

Amendment No. 10 to the Agreement is for additional architectural and engineering services associated with additional scope to the Flamingo Park Master Plan concept which incorporates additional architectural and engineering services for the improvements of the Flamingo Park Phase I project to include additional services to provide an updated tree survey, updated tree disposition plan, review of Arborist’s report from Starwood properties, make recommendations to incorporate off-site trees into the landscape plans, revise the landscape and irrigation plans due to incorporation of larger canopy trees. Revise civil, site and electrical drawings to reflect a new sidewalk geometry and incorporate an existing Melaleuca tree to the current design. All these due to the necessity to mitigate the community’s concerns regarding additional embellishment to the park due to the removal of the invasive species trees. The Consultant will also be providing additional professional services for the Handball Courts Renovation project to include additional construction administration services for added project phasing which was required for maintaining part of the

handball courts operational during construction. Additional construction administration services for the restoration of the stucco which was found to be in poor condition during the renovation process all in the amount of \$35,216.

- Revised Agreement amount \$1,297,934.

May 21, 2019
Revised July 9, 2019

via Email: SabrinaBaglieri@miamibeachfl.gov

Ms. Sabrina Baglieri
Senior Capital Projects Coordinator
City of Miami Beach
Office of Capital Improvement Projects
1701 Meridian Avenue, Suite 300
Miami Beach, FL 33139

RE: Flamingo Park
WA Project No.: 2801000
Subj: Proposal for Additional Services for Modifications to the Landscaping Design
and Related Walkway Configuration

Dear Ms. Baglieri:

Pursuant to the recent request by the City, following is our proposal for the above-noted additional services for the Flamingo Park project.

LANDSCAPING AND IRRIGATION DESIGN REVISIONS

Revise the landscaping and irrigation design for the Phase 1 scope, as reflected in the attached proposal from O'Leary Richards Design Associates, Inc., dated May 7, 2019 and the attached sketch. Provide the services noted in their proposal.

WOLFBERG ALVAREZ – REVISED CIVIL AND ELECTRICAL

Revise the Civil drawings for the Phase 1 scope, to reflect the new sidewalk geometry.

Revise the pedestrian lighting as required to accommodate the revised sidewalk geometry. Prepare photometrics.

DELIVERABLE SCHEDULE

Six (6) weeks from Approval-N.T.P.

WOLFBERG ALVAREZ – ADDITIONAL CONSTRUCTION ADMINISTRATION SERVICES

Provide extended C.A. services for the Handball Courts Renovation scope per the Contractor's claim of additional 150 calendar days to their Contract. The 150 days, as indicated by the contractor are 90 days for phasing of the work and 60 days for the additional stucco work.

WA proposes to provide the above-noted services for a not-to-exceed fee of \$35,216.00.

Please see attached proposal from O'Leary Richards Schedule B, dated May 21, 2019. I trust this proposal satisfies your request. Should it be necessary, please feel free to contact us.

Sincerely,



Jorge G. Maldonado, P.E.
Project Manager

Attachments

May 7, 2019

Mr. Marcel Morlote, AIA
Sr. Vice President
Wolfberg Alvarez & Partners
75 Valencia Avenue, Suite 1050
Coral Gables, FL 33134

Re: Landscape Architectural Services for:
Flamingo Park Ph. 1 - Additional Services
1200 Meridian Avenue
Miami Beach, Florida 33139

Dear Marcel:

Pursuant to your request, **O'Leary Richards Design Associates, Inc.** proposes to provide additional landscape architectural services for the above referenced project. The basic professional services to be included are as follows:

- A) On-site meeting with City staff to review existing tree removals, disposition of existing trees and modifications to plans.
- B) Site visit to update Tree Survey per City Urban Forester request prior to arborist visit.
- C) Phone conferences and emails to coordinate existing tree removals with City, WA and Arborist.
- D) Update Phase Tree Disposition Lists based on Arborist report.
- E) Review Arborist report from Starwood properties and make recommendation. Incorporate off-site tree into Landscape Plan.
- F) Revise Tree Disposition Plans per City direction (Sheets L0.3, L0.4, L0.5).
- G) Revise Landscape Plans per City direction (Sheets L1.1, L1.1, L1.3, L2.1).
- H) Revise Irrigations Plans to reflect modifications to the Site Plan and Landscape Plan (Sheets IR1.1, IR1.2, IR1.3, IR2.1).
- I) Re-evaluate existing trees on site and up-date Tree Resource Evaluation Report prepared by certified arborist.

Our Lump Sum Fee for items A through J above will be **Sixteen Thousand Six-Hundred Dollars and 00/100 (\$16,600.00)**. The work shall be performed in accordance with the terms and conditions of the basic services agreement between O'Leary Richards Design Associates, Inc. and Wolfberg Alvarez & Partners, Inc. dated September 12, 2016.

If the proposed work and fees contained herein are agreeable with you, please sign the enclosed copy of this letter and return same to our office. Should you have any questions regarding the above, please do not hesitate to call.

Very truly yours,



Kathryn O'Leary Richards, ASLA

Accepted:

By: _____ Date: _____
Mr. Marcel Morlote, AIA, President
Wolfberg Alvarez & Partners

Oak Plaza Professional Center
8525 SW 92nd Street, Suite C-11
Miami, Florida 33156
Phone: 305.596.6628
Fax: 305.596.9160
LC #26000195

#37

Retain tree #557A

Remove sidewalk

Relocate light pole

Michigan Ave.

SD

#557A

12" SD

6" SD

Sod (175 sf)

Sod (860 sf)

Proposed Sidewalk

13th St.

Sod (160 sf)

Remove sidewalk

Sod (1460 sf)

Retain palm #365

EXIST. CHAIN LINK FENCE

EXIST. SIGN Sod (320 sf)

#365

#364

#360

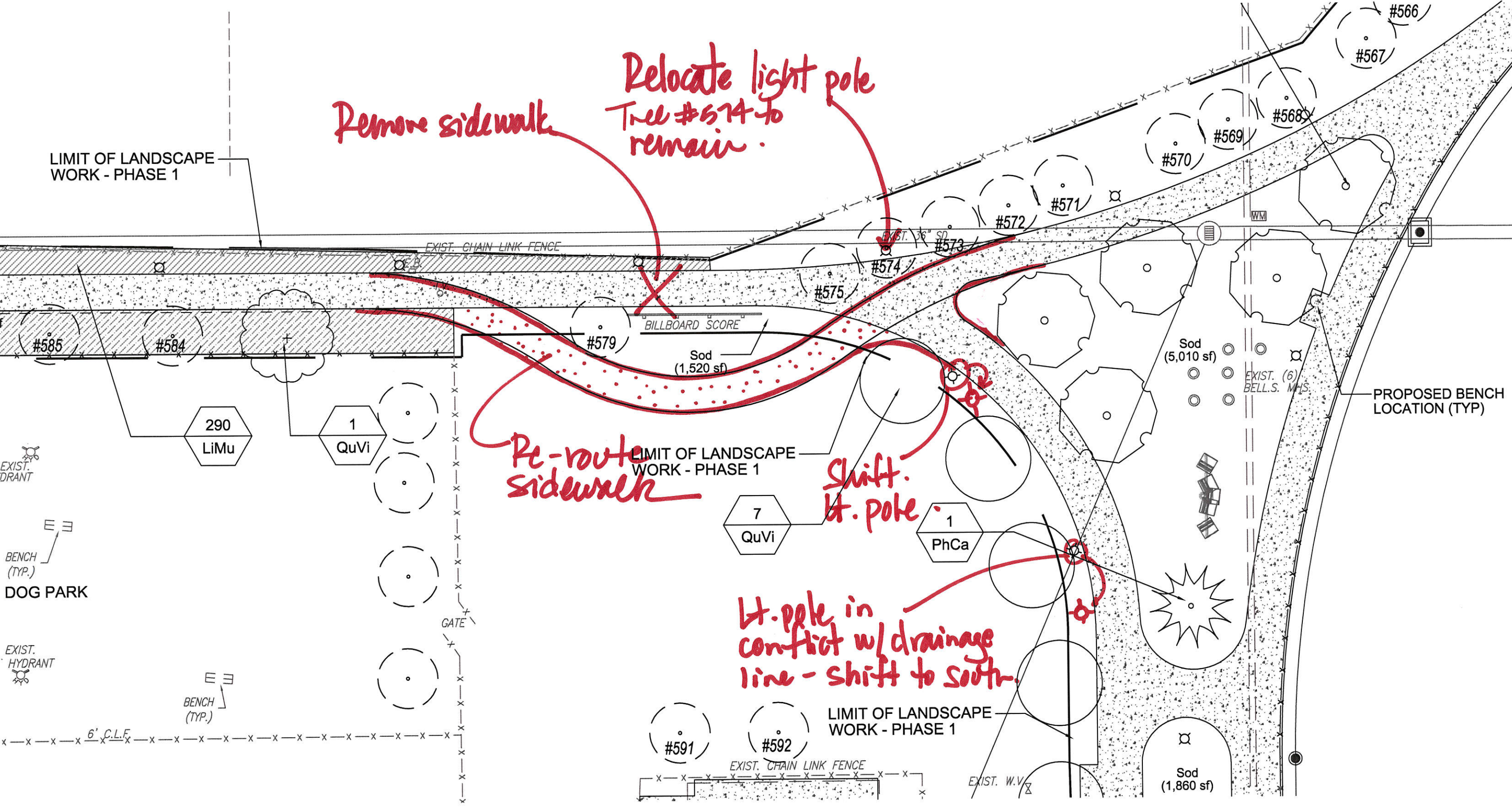
#361

EXIST. ASPHALT PAVEMENT

EXIST. SIGN

EXIST. (2) W.V.





Remove sidewalk

Relocate light pole
Tree #574 to remain.

Re-route sidewalk

Shift. Lt. pole

Lt. pole in conflict w/ drainage line - shift to south.

