

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND TEAM CONTRACTING INC., FOR CONSTRUCTION SERVICES FOR THE POCKET PARK AT 20TH STREET PROJECT; WITH SUCH CHANGE ORDER NO. 1 IN THE AMOUNT OF \$62,534.95, AND GRANTING THE CONTRACTOR A TIME EXTENSION OF NINETY (90) CALENDAR DAYS TO ACHIEVE SUBSTANTIAL COMPLETION, FOR UNFORESEEN CONDITIONS IDENTIFIED DURING CONSTRUCTION AND ADDITIONAL SCOPE REQUIRED BY THE BUILDING DEPARTMENT DURING THE PERMITTING PHASE; FURTHER, PROVIDING THAT CHANGE ORDER NO. 1 SHALL BE SUBJECT TO AND CONTINGENT UPON AN APPROPRIATION OF FUNDS AS PART OF A CAPITAL BUDGET AMENDMENT.

WHEREAS on April 26, 2017, the Mayor and City Commission adopted Resolution No. 2017-29814, accepting the recommendation of the Finance and Citywide Projects Committee to add the creation of a pocket park on 20th Street and Sunset Drive (the "Pocket Park Project") to the Fiscal Year 2018 Capital Budget, subject to funding availability; and

WHEREAS, on February 14, 2018, the City Commission adopted the Third Amendment to Capital Budget for Fiscal Year 2017/18, allocating funding for the Pocket Park Project; and

WHEREAS, the new Pocket Park provides a playground of approximately 4,000 square feet, with equipment for children in the 2-5 age range and the 5-12 age range, with colorful play surfaces with mounds, as well as a masonry wall along the north east property line to enclose the site that would provide separation from the adjacent residential property; the playground is shaded through the installation of three shade sails and two smaller canopies at the picnic areas and numerous shade trees; and

WHEREAS, on May 8, 2019, City Commission accepted the recommendation of the City Manager and approved and authorized the City Manager to execute a work order with Team Contracting Inc., in the not to exceed amount of \$629,330, for the construction of the Pocket Park Project, utilizing the competitively bid Sourcewell cooperative contract (formerly known as National Joint Powers Alliance (NJPA), plus an Owner's Contingency in the amount of \$62,933, for a total of \$692,263, subject to and contingent upon an appropriation of funds, as part of a Capital Budget amendment for Fiscal Year 2018/19; and

WHEREAS, bids were received from Team Contracting, Inc. prior to the completion of the permit phase. During the permitting phase, changes were made to the design of the electrical system, the landscaping design, and the drainage system; and

WHEREAS, the design of the drainage system was revised, incorporating comments from the Building Department, to include swales with retention areas, in accordance with the City's resiliency initiatives; further, the site was to be graded to create a drainage system with the playground at the highpoint in the park and with berms around the entire park, creating low lying areas for retention. This resulted in changes in the amount of grading and soil required for the Pocket Park Project, and an increase in the height of the fence and gates; and

WHEREAS, at the request of the community, bicycle racks were added, and bollards were added along the edge of the site closest to the intersection of the North Bay Road and 20th Street, for safety; and

WHEREAS, upon the start of construction, muck was discovered within the area for the foundations for the walls, columns and play equipment, and additional engineering services were required to address the soil condition; resultant solutions included removing portions of the questionable soil from the site and importing appropriate fill material; further, the high groundwater level encountered as a result of unexpectedly high king tides warranted the redesign of all footings; and

WHEREAS, Team Contracting, Inc. worked with the design consultant Miller Legg to minimize the project delays; and

WHEREAS, Team Contracting, Inc., was requested to submit a proposal (Exhibit A) to provide additional construction services associated with the additional work scope; the proposal submitted is in the amount of \$62,534.95, City staff and Miller Legg reviewed the proposal for scope and price, and have found the scope of work to be consistent with the unforeseen conditions encountered, found it to be fair and reasonable; accordingly, the Administration recommends acceptance of the proposal; and

WHEREAS, Contractor shall be granted a time extension of ninety calendar days for the additional scope of work; and

WHEREAS, with approval of this Change Order No. 1, the total contract amount will be increased to \$754,797.95.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA authorize the City Manager to negotiate and execute Change Order No. 1 to the construction contract between the City of Miami Beach, Florida and Team Contracting Inc., for construction services for the Pocket Park at 20th Street Project; with such Change Order No. 1 in the amount of \$62,534.95, and granting the Contractor a time extension of ninety (90) calendar days to achieve substantial completion, for unforeseen conditions identified during construction and additional scope required by the Building Department during the permitting phase; further, providing that Change Order No. 1 shall be subject to and contingent upon an appropriation of funds as part of a Capital Budget amendment.

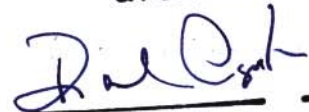
PASSED and ADOPTED this ____ day of _____, 2020.

DAN GELBER, MAYOR

ATTEST:

RAFAEL E. GRANADO, CITY CLERK

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *RAG* 2/3/20
Date