

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 5 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND RIBBECK ENGINEERING, INC, FOR THE INDIAN CREEK DRIVE/STATE ROAD (SR) A1A, 26 STREET TO 41 STREET FLOODING MITIGATION PROJECT (“PROJECT”), IN THE AMOUNT OF \$350,270.73, INCLUDING A 20% ALLOWANCE FOR UNFORESEEN DESIGN TASKS, FOR A TOTAL CONTRACT VALUE OF \$3,645,277.29, TO PROVIDE ADDITIONAL ENGINEERING SERVICES FOR THE PROJECT DURING CONSTRUCTION; FURTHER PROVIDING THAT THE FUNDING SHALL BE CONTINGENT UPON THE APPROVAL OF THE FIFTH AMENDMENT TO THE CAPITAL BUDGET FOR FY19/20.

WHEREAS, on March 9, 2016, the Mayor and City Commission adopted Resolution 2016-29332 approving a Department Funded Agreement (“DFA”) between the City of Miami Beach and the Florida Department of Transportation (“FDOT”) for the cost sharing of a construction project on Indian Creek Drive from 26 to 41 Street (the “Project”); and

WHEREAS, the infrastructure improvements under the DFA include a new storm water drainage system, pump station, seawall, roadway, sidewalks curbs and gutters that are all necessary to meet the new flood elevation thresholds; and

WHEREAS, on June 8, 2016, the Mayor and City Commission adopted Resolution 2016-29456, approving the award of a professional services agreement to Ribbeck Engineering, Inc., in the total amount of \$407,851 (“Professional Service Agreement”), to develop the Design Criteria Package (“DCP”) and conceptual plans for approximately 0.85 miles of Indian Creek Drive, in accordance with FDOT design criteria as well as the City’s requirements; and

WHEREAS, on April 26, 2017, the Mayor and City Commission adopted Resolution 2017-29839, authorizing the negotiation of Amendment No. 1 to the PSA with Ribbeck Engineering, Inc., in the amount of \$863,171.92, plus a \$86,317.19 contingency, for a total amount of \$949,489.11, to prepare a set of “interim” construction plans from 25 to 26 Street, and 26 to 41 Street, including side streets along the entire project limits, and The approximate length of roadway for this expanded project scope was 1.7 miles; and

WHEREAS, on October 18, 2017, the Mayor and City Commission adopted Resolution 2017-30070, authorizing Amendment No. 2 to the Professional Services Agreement with Ribbeck Engineering, Inc., in the amount of \$1,056,347.77, plus a \$158,452.17 owner’s contingency of fifteen percent (15%), for a total amount of \$1,214,799.94, to complete the “ultimate” Phase which includes final signed and sealed construction plans for the entire Project limits; and

WHEREAS, on October 30, 2019, the Mayor and City Commission adopted Resolution 2018-30547, authorizing Amendment No. 3 to the Professional Services Agreement with Ribbeck Engineering, Inc., in the amount of \$339,196.51, plus a ten percent (10%) owner’s contingency in the amount of \$30,836.05, for a total of \$339,196.51, to perform subsurface exploration to further identify potential utilities conflicts, modifications to roadway and drainage design resulting from owner’s requests to modify harmonization plans for the adjacent properties, parking lanes modification to meet FDOT criteria, additional utility coordination, special handrail design to meet new city criteria and additional coordination efforts; and

WHEREAS, on July 31, 2019, pursuant to ITB No. 2019-231-KB, the City awarded a contract to Ric-Man Construction Florida, in an amount not to exceed \$13,636,984, for the Indian Creek Phase III Improvements from 25 to 41 Street project (“Indian Creek Project”); and

WHEREAS, on September 11, 2019, the Mayor and City Commission adopted Resolution 2019-30943, authorizing Amendment No. 4 to the Professional Services Agreement with Ribbeck, in the amount of \$383,670, for performing post design services, reviewing contractor's submittal responding to requests for information and attending bi-weekly project meetings; and

WHEREAS, on October 11, 2019 Ric-Man Construction Florida, Inc., was given the First Notice to Proceed (NTP #1) to commence pre-construction related work and on March 2, 2020, Second Notice to Proceed (NTP #2) was issued to start physical construction; and

WHEREAS, representatives from the community have requested changes to many elements of the Project ranging from the generator location, barrier wall design, bicycle lane design and separator between the vehicular lane and bicycle path, sidewalks and landscaping design, and community representatives have objected to the visibility of the generator at the proposed location and requested that alternative locations be evaluated; and

WHEREAS, on June 6, 2020, Ribbeck Engineering Inc. submitted a cost proposal for Amendment No. 5 to the Agreement in the amount of \$350,270.73, to provide additional engineering services for the Project during construction, Amendment No. 5 hereto as Attachment A; and

WHEREAS, due to the complexity of this project, the number of meetings required with the Community, utility owners, regulatory agencies and the project team has far exceeded the anticipated contractual requirements; and

WHEREAS, additionally, the modification required design revisions and meetings with Miami-Dade County Department of Regulatory and Economic Resources ("RER") were necessary to address issues and obtain the necessary permits for the Project; and

WHEREAS, at the request of the Public Works Department, revisions to the seawall plans were done to satisfy the various regulatory agency comments, such as U.S Army Corps of Engineers and the South Florida Water Management District; and

WHEREAS, the design and construction of the Indian Creek roadway was contingent on the completion of the seawall project along the waterway, and the seawall is currently being permitted, therefore, additional design is required to provide necessary structural support for the bus bays that would have been provided by the completed seawall; and

WHEREAS, this Amendment No. 5 in the amount of \$350,270.73, includes a 20% allowance for unforeseen design tasks, has been reviewed by staff and was found to be fair and reasonable.

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 authorizes the Mayor and City Clerk to execute Amendment No. 5 to the professional services agreement between the City of Miami Beach and Ribbeck Engineering Inc., for the Indian Creek Drive/State Road (SR) A1A, 26 Street to 41 Street Flooding Mitigation Project ("Project"), in the amount of \$350,270, including a 20% allowance for unforeseen design tasks, for a total contract value of \$3,645,277.29, to provide additional engineering services for the Project during construction, further providing that the funding shall be subject to the approval of fifth amendment to the Capital Budget for FY19/20.

PASSED and ADOPTED this ____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

[Signature]
City Attorney

6/16/2020
Date