

**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. 2 TO THE CONSTRUCTION CONTRACT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND RIC-MAN CONSTRUCTION FLORIDA, INC., FOR CONSTRUCTION SERVICES FOR INDIAN CREEK (SR AIA) PHASE III IMPROVEMENTS PROJECT, FOR ADDITIONAL SCOPE OF WORK, INCLUDING GENERATOR RELOCATION, CONSTRUCTION OF NEW SHEET PILE WALLS, REVISED BARRIER WALLS, AND OTHER MISCELLANEOUS ITEMS, IN AN AMOUNT NOT TO EXCEED \$5,349,872, PLUS \$534,987 OWNER'S CONTINGENCY, FOR A TOTAL CHANGE ORDER AMOUNT OF \$5,884,859, AND A TOTAL CONTRACT AMOUNT OF \$19,521,843; AND A TIME EXTENSION OF ONE HUNDRED AND THREE (103) CALENDAR DAYS TO COMPLETE THE ADDITIONAL SCOPE OF WORK ASSOCIATED WITH THE INDIAN CREEK (SR AIA) PHASE III IMPROVEMENTS FROM 25 TO 41 STREETS PROJECT; AND FURTHER PROVIDING THAT CHANGE ORDER NO. 2 SHALL BE SUBJECT TO AND CONTINGENT UPON AN APPROPRIATION OF FUNDS VIA A CAPITAL BUDGET AMENDMENT.**

**WHEREAS**, on March 9, 2016, the City Commission adopted Resolution No. 2016-29332, approving the substantial terms of a cost sharing agreement with the Florida Department of Transportation ("FDOT"), and on September 30, 2016, the City and FDOT entered into a Department Funded Agreement ("DFA") for Financial Project Number 439228- 2- 58 ( Contract AS- 343), for roadway and drainage improvements on S. R. A1A/ Indian Creek from 41 Street to 26 Street, in the total amount of \$25,408,493, comprised of FDOT funding in a maximum amount of \$20,008,493, and City funding in the maximum amount of \$5,400,000; and

**WHEREAS**, on October 17, 2018, the Mayor and City Commission adopted Resolution No. 2018- 30574 to amend the DFA agreement by increasing FDOT's participation by \$5,991,507 from the original maximum amount of \$ 20,008,493, to the amended maximum amount of \$26,000,000; and increasing the City' s participation by \$1,636,848, from an original maximum amount of \$5,400,000, to a maximum participation of \$7,036,848; and

**WHEREAS**, on July 31, 2019, the City Commission adopted Resolution 2019-30915, awarding a construction contract to Ric-Man Construction Florida, Inc. ("RMCF") in the amount of \$13,636,984, for the construction of the Indian Creek Drive (SR AIA) Phase III Improvements from 25 to 41 streets ("Project"), and the Resolution also included the authorization to finalize negotiations for a second amendment to the DFA by increasing FDOT's participation by \$2,250,000 (to a maximum of \$28,250,000), and increasing the City's participation by \$2,250,000 (to a maximum of \$9,286,848); and

**WHEREAS**, construction commenced during the week of March 2, 2020, and is over 40 percent complete; and

**WHEREAS**, on July 21, 2020, the City issued Change Order No.1 to RMCF, which was a net zero dollar change order that rectified the quantities in the schedule of values to reflect the changes to the construction drawings, as a result of the negotiated license agreements and harmonization plans with private property owners; and

**WHEREAS**, as construction has progressed, the Project has experienced changes as a result of unforeseen field conditions and requests from residents; and

**WHEREAS**, the requested changes to the scope of work are included in this Change Order No. 2 to the contractor and the design revisions have been reviewed and approved by FDOT, and the required construction changes are detailed below:

- 1) **Modified Barrier Wall and Light Pole Foundations (\$663,810)**: The standard barrier wall design required fill material to be installed behind the barrier wall for support and stability. However, due to the lack of seawall at certain locations and insufficient right of way, the fill material for support cannot be installed. Therefore, a modified barrier wall was designed by the Engineer of Record ("EOR") to be constructed on top of the sheet pile walls. These modified barrier walls will have the counterweight to support vehicular impact and therefore do not require any fill or reinforcement behind, outside the right-of-way. Light pole foundations were originally designed to be installed behind the standard barrier walls along Indian Creek Drive. However, at certain locations, due to the lack of seawall and insufficient right-of-way, the light pole foundations, conduits and conductors were redesigned to be incorporated into the modified barrier wall; and
  
- 2) **Generator Relocation and Pump Station Control Panel Modification (\$1,101,388)**: On June 24, 2020, the City Commission adopted Resolution 2020-31293, accepting the recommendation of the Land Use And Sustainably Committee, approving the relocation of the generator that provides auxiliary power to the Indian Creek Drive pump station from 2925 Indian Creek Drive to the city owned parking lot (P-55) located at 2660 Collins Avenue, along Indian Creek Drive, approximately 1000 feet farther away from the pump station control panel, than the original location. The generator relocation design and the landscaping necessary to conceal the generator was presented to the Historic Preservation Board (HPB) at their February 9, 2021, meeting where it was approved.  
  
The pump station electrical control panel platform was modified to elevation 5.5 feet NAVD to meet the National Electrical Code requirements, which includes handrails for the safety of maintenance personnel; and
  
- 3) **Sheet Pile Walls and Caps (\$2,588,267)**: Due to the lack of the seawall and the deteriorated condition of the existing seawall along Indian Creek Drive, it was determined by the project team that an alternative structural support was required for the construction of the new elevated road and the bus bays. Various options were studied by the EOR. The installation of permanent sheet pile walls at various locations along the roadway were determined to be the most feasible solution; and
  
- 4) **Street Lighting System (\$4,484)**: The installation of the street lighting system including the light pole bases, conduits and conductors within the barrier wall rather than underground resulted in a credit for this modified work; and
  
- 5) **Maintenance of Traffic Plan (\$390,000)**: To reduce the overall time impact to the project and to expedite the work a revised Maintenance of Traffic (MOT) plan has been proposed. The new MOT will eliminate the previously planned Phase approach and combine the entire length of the project from 26 Street to 41 Street in one phase. This will allow the contractor to work simultaneously at different locations along the entire length of the project; therefore, reducing the time needed to complete the project. To accommodate the

expedited work plan and fulfill the revised MOT, Collins Avenue will be modified to a two-way traffic between 26 and 41 Streets; and

- 6) **General Items - (Rip-Rap Walls, Aluminum Handrails, Guardrails and other items) (\$188,078)**: Additional shoring is necessary at sheet pile walls terminus to protect against tidal surges. At these locations a temporary rip-rap wall is necessary behind the barrier wall. This item also includes guardrails, behind the new bus bays for safety. Additionally, harmonization within some private properties that are within the Historic District will require new or replacement steps and handrails; and
- 7) **General Conditions (\$363,119)**: The general conditions are associated with the cost of bonds, insurance, supervision and general maintenance of the project during the negotiated time of the additional 103 Calendar days to complete the new scope of work, associated with this change order; and
- 8) **Fire Flow Improvement (\$35,220)**: To increase fire flows along the Indian Creek corridor, the Public Works Department (PWD) prepared design drawings for the installation of water lines and fire hydrants at 27<sup>th</sup> Street and Indian Creek Drive, Collins Avenue north of 37<sup>th</sup> and 38<sup>th</sup> Street. The drawings were provided to RMCF for a cost proposal. The cost proposal was reviewed by PWD and project team and found to be fair and reasonable. This work will be performed concurrently with the Indian Creek Drive construction project; and
- 9) **Drainage Repair at 26<sup>th</sup> Street and Collins (\$24,473)**: During the performance of work by a franchise utility company, an existing 24" stormwater pipe along Collins Avenue and 26<sup>th</sup> Street was damaged. The damage was not reported to the City. A few months after this incident, portion of the pavement along Collins Avenue collapsed developing a sinkhole. This prompted PWD to perform temporary pavement repairs. Subsequently PWD prepared the design drawing for the restoration of the 24" stormwater pipe. RMCF was requested to provide a cost proposal for this work. PWD and the project team reviewed and found the cost to be fair and reasonable. This work will be performed concurrently with the Indian Creek Drive construction project; and

**WHEREAS**, RMCF has presented a negotiated detailed cost proposal for the above additional services in the amount of \$5,349,872, attached as Exhibit 4 to the Memorandum accompanying this Resolution; and

**WHEREAS**, Change Order No. 2 will include a ten (10%) percent Owners Contingency in the amount of \$534,987 for a total of \$5,884,859 and will increase RMCF's Contract amount to \$19,521,843; and

**WHEREAS**, Change Order No. 2 also includes one hundred and three (103) calendar days extension to the original contract duration of 594 calendar days, which has been negotiated with RMCF due to the additional scope of work, and the time extension will revise the Project completion date from December 16, 2021 to March 28, 2022; and

**WHEREAS**, cost proposal review and negotiation meetings were held with RMCF including the EOR, Ribbeck Engineering, the Construction Engineering Inspection consultant, WSP USA Inc., PWD and the Office of Capital Improvement Projects, and the CEI recommends amending the contract to include the above scope of work as negotiated, as set forth in Exhibit 5 to the Memorandum accompanying this Resolution; and

**WHEREAS**, RMSI cost proposal is also being reviewed by FDOT for their consideration to participate in the cost for this change order as part of the DFA, and FDOT staff is currently reviewing the price proposal with their management team; and

**WHEREAS**, Change Order No. 2 is necessary for the Project to move forward without further delay; and

**WHEREAS**, a Capital Budget amendment is being presented under a separate agenda item in the amount of \$6,862,745; and

**WHEREAS**, the amendment is required to fund the additional construction and soft costs associated with the additional scope of work; and

**WHEREAS**, the Administration recommends that the City Commission approve the Resolution, subject to and contingent upon an appropriation of funds, via a Capital Budget Amendment.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA** approving and authorizing the City Manager to execute Change Order No. 2 to the construction contract, between the City of Miami Beach, Florida and Ric-Man Construction Florida, Inc., for construction services for Indian Creek (SR AIA) Phase III Improvements Project, for additional scope of work, including, generator relocation, construction of new sheet pile walls, revised barrier walls, and other miscellaneous items in an amount not to exceed \$5,349,872, plus \$534,987 owner's contingency, for a total Change Order amount of \$5,884,859, and total contract amount of \$19,521,843; and a time extension of one hundred and three (103) calendar days to complete the additional scope of work associated with the Indian Creek (SR AIA) Phase III Improvements from 25 to 41 streets; and further providing that Change Order 2 shall be subject to and contingent upon an appropriation of funds, via a Capital Budget Amendment.


**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2021.


\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

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Rafael E. Granado, City Clerk

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

  
\_\_\_\_\_  
City Attorney

 3-9-21  
Date