

RESOLUTION NO.

2016-29456

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS IT PERTAINS TO THE CITY CONSTRUCTION PROJECT REFERRED TO AS THE "INDIAN CREEK DRIVE/STATE ROAD (SR) A1A, 26 STREET TO 41 STREET - FLOODING MITIGATION PROJECT" [HEREINAFTER "PROJECT"], AND, WITH RESPECT TO THE PROJECT, ACCEPTING THE FINDINGS AND RECOMMENDATION OF THE CITY MANAGER CERTIFYING A VALID PUBLIC EMERGENCY PURSUANT TO SUBSECTIONS 287.055(3)(a)(1) AND (9)(c)(6), FLORIDA STATUTES; AND, AS PERMITTED PURSUANT TO SUBSECTION 2-367(e) OF THE CITY CODE, WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING REQUIREMENT RELATING TO THIS PROCUREMENT, FINDING SUCH WAIVER TO BE IN THE BEST INTEREST OF THE CITY, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE A PROFESSIONAL SERVICES AGREEMENT WITH RIBBECK ENGINEERING, IN AN AMOUNT NOT TO EXCEED \$407,851, FOR THE PREPARATION OF A DESIGN CRITERIA PACKAGE (DCP) AND CONCEPTUAL PLANS WHICH COMPLIES WITH THE SPECIFICATIONS SET FORTH UNDER SECTION 287.055(2)(j), FLORIDA STATUTES.

WHEREAS, on September 27, 2015, the City experienced severe tidal flooding caused by King Tides of 1.12 feet above mean high water, in the area of Indian Creek Drive, from 26th to 41st Streets, which severely impacted both pedestrian and vehicular traffic for several days; and

WHEREAS, at its March 9, 2016 meeting, the City Commission approved Resolution No. 2016-29332, approving and authorizing the City to negotiate and enter into an agreement with the Florida Department of Transportation (FDOT) for the cost sharing of a construction project on Indian Creek Drive, from 26th to 41st Streets, to increase the height of the seawall along Indian Creek Drive, and to increase the elevation of the road to "future crown of the road;" and

WHEREAS, to avoid continued tidal flooding and severe flooding caused by high intensity rainfall events, the City, in conjunction with FDOT, must implement infrastructure improvements which will include a new storm water drainage system, pump station, and seawall; and

WHEREAS, the existing roadway, curbs, gutters and sidewalks will be elevated to meet new flood elevation requirements, and existing driveways, light poles, signals, signage and pavement markings will be replaced to match new road-way alignment and configuration; and

WHEREAS, the City and FDOT are finalizing the cost sharing agreement, and the City desires to immediately begin the scope of work relative to constructing all the improvements that would protect Indian Creek Drive from flooding; and

WHEREAS, over the past year the City has been provided overwhelming supporting documents relating to of the extreme flooding emergency conditions projected by NOAA for King Tides in the Fall of 2016 and the effective of the King Tides on Indian Creek Drive; and

WHEREAS, the Administration believes that given the current condition of Indian Creek Drive, and the periodic flooding and closure of the road due to said flooding issues, there are extensive existing and potential future community hardships, including serious impacts to quality of life issues, to justify the necessity of beginning construction on Indian Creek Drive immediately; and

WHEREAS, the conditions in the area are so drastic and will only worsen if the work is postponed in order to go through a three (3) to six (6) month competitive procurement process; and

WHEREAS, due to the foregoing, and due to the fact that Ribbeck Engineering is already performing work in the area for FDOT, the City Manager, in assessing the totality of factors giving rise to this situation, believes there is ample support to find and certify to the City Commission that a public emergency exists and that it is in the best interest of the City to waive competitive bidding; and

WHEREAS, to avoid coordination problems and construction delays, the City would benefit from using Ribbeck Engineering, which has an existing contract with FDOT to provide right-of-way design services; and

WHEREAS, Ribbeck has the knowledge and expertise to address the flooding related concerns for Indian Creek Drive; the City Administration seeks to enter into an agreement with Ribbeck for preparation of a design criteria package (DCP); and

WHEREAS, the DCP for Indian Creek Drive shall include roadway, drainage, signing & pavement markings, and signalization and shall include all FDOT design requirements.

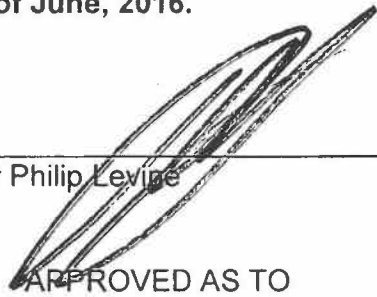
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, the Mayor and City Commission, as it pertains to the City construction project referred to as the "Indian Creek Drive/State Road (SR) A1A, 26 Street to 41 Street - Flooding Mitigation Project" [hereinafter "Project"], and, with respect to the Project, accepting the findings and recommendation of the City Manager certifying a valid public emergency pursuant to Subsections 287.055(3)(a)(1) and (9)(c)(6), Florida Statute; and, as permitted pursuant to Subsection 2-367(e) of the City Code, waiving, by 5/7ths vote, Competitive Bidding Requirements relating to this procurement of the services of Ribbeck Engineering [Ribbeck], finding such waiver to be in the best interest of the City; and authorizing the City Manager to negotiate a Professional Services Agreement with Ribbeck, in an amount not to exceed \$407,851, for the preparation of a Design Criteria Package (DCP) and conceptual plans which complies with the specifications set forth under Section 287.055(2)(j), Florida Statute.

PASSED AND ADOPTED this 8th day of June, 2016.

ATTEST:

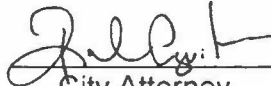


JUNE 13, 2016
Rafael Granado, City Clerk



Mayor Philip Levine

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

6/16/16

Date

RESOLUTION NO.

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE FINDINGS AND WRITTEN RECOMMENDATION OF THE CITY MANAGER WITH RESPECT TO THE INDIAN CREEK DRIVE/STATE ROAD (SR) A1A, 26 STREET TO 41 STREET - FLOODING MITIGATION PROJECT (THE "PROJECT"), AND CERTIFYING A VALID PUBLIC EMERGENCY PURSUANT TO SUBSECTIONS 287.055(3)(a)(1) AND (9)(c)(6), FLORIDA STATUTES; AND, AS PERMITTED PURSUANT TO SUBSECTION 2-367(e) OF THE CITY CODE, WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING REQUIREMENT, FINDING FURTHER THAT THE BEST INTEREST OF THE CITY WOULD BE SERVED BY SUCH WAIVER; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RIBBECK ENGINEERING, APPROVED PURSUANT TO RESOLUTION NO. 2016-29456, FOR THE PROJECT; SAID AMENDMENT IN THE AMOUNT OF \$863,171.92 PLUS A \$86,317.19 CONTINGENCY, FOR A TOTAL AMOUNT OF \$949,489.11, TO PROVIDE FOR THE PREPARATION OF A SET OF CONSTRUCTION PLANS FROM 25TH TO 26TH STREET, AND 26TH TO 41ST STREET, INCLUDING SIDESTREETS ALONG THE ENTIRE PROJECT LIMITS, WITH THE CONSTRUCTION PLANS TO INCLUDE ROADWAY, TRAFFIC CONTROL PLANS, SEAWALL, DRAINAGE, SIGNING AND PAVEMENT MARKINGS, LIGHTING AND SIGNALIZATION COMPONENTS, AND RELATED IMPROVEMENTS.

WHEREAS, on September 27, 2015, the City experienced severe tidal flooding caused by King Tides of 1.12 feet above mean high water, in the area of Indian Creek Drive, from 26th to 41st Streets, which severely impacted both pedestrian and vehicular traffic for several days; and

WHEREAS, to avoid continued tidal flooding and severe flooding caused by high intensity rainfall events, the City, in conjunction with FDOT, must implement, as expeditiously as possible, infrastructure improvements which will include a new storm water drainage system, pump station, and seawall; and

WHEREAS, at its March 9, 2016 meeting, the City Commission adopted Resolution No. 2016-29332, approving an agreement between the City and Florida Department of Transportation (FDOT) for the cost sharing of a construction project on Indian Creek Drive from 26th to 41st Streets, for certain infrastructure improvements that will include a new storm water drainage system pump station and seawall; improvements to the existing roadway, curbs, gutters and sidewalks, which will be elevated to meet new flood elevation requirements; and improvements to driveways, light poles, signals, signage and pavement markings, which will be replaced to match the new roadway alignment and configuration; and

WHEREAS, at the June 8, 2016 meeting, the City Commission authorized the award of a Professional Service Agreement with Ribbeck Engineering, Inc., in the amount of \$407,851, with a scope of services which consists of developing a Design Criteria Package (DCP) and conceptual plans for the design build construction of approximately 0.85 miles of Indian Creek Drive, with the conceptual plans and DCP to be developed in accordance with FDOT design requirements and City of Miami Beach requirements; and

WHEREAS, the Administration continues to believe that the findings certified in Resolution No. 2016-29332 continue to exist, and that given the current condition of Indian Creek Drive, and the periodic flooding and closure of the road due to said flooding issues, there are extensive existing and potential future community hardships, including serious impacts to quality of life issues, to justify the necessity of beginning construction on Indian Creek Drive immediately; and

WHEREAS, the conditions in the area are so drastic and will only worsen if the work is postponed in order to go through a three (3) to six (6) month competitive procurement process; and

WHEREAS, in furtherance of the initiative to protect residents from tidal flooding within the City of Miami Beach, the Public Works Department is requesting an additional scope of work from Ribbeck Engineering, Inc., for the preparation of a set of interim construction plans from 25th to 26th Street and 26th to 41st Street, including side streets along the entire Project limits of approximately 1.7 miles of roadway; the construction plans will include detailed roadway, traffic control plans and analysis, seawall plans, drainage analysis and plans, signing, pavement markings, lighting and signalization components, and related improvements, and the scope will include a design variations memorandum and reports including crash data analysis and benefit cost ratios which are required on FDOT projects, and which will adhere to FDOT design criteria as well as City of Miami Beach contract requirements; and

WHEREAS, the interim construction plans are required in order to construct a 72" main trunk along Indian Creek Drive, as well as to provide drainage improvements along the aforementioned side streets, by upsizing the existing drainage lines to 24 inches, and the design of pump station structure will also be part of the interim plans; and

WHEREAS, the cost proposal is in the amount of \$863,171.92 for the preparation of interim construction plans, plus a contingency of ten percent (10%) (\$86,317.19) that has been added, for a total amount of \$949,489.11; and

WHEREAS, a scope of work has been provided and is attached as Exhibit 1 to the Commission Memorandum accompanying this Resolution, along with the proposed hours of effort for the work, attached as Exhibit 2 thereto, and providing that Ribbeck Engineering and subcontractors will perform the work under the same hourly rates and percentages for overhead and profit as their contract with FDOT; and

WHEREAS, due to the foregoing tidal flooding conditions and the urgent need for completion of the Project, and due to the fact that Ribbeck Engineering is already performing work on the Project, the City Manager, in assessing the totality of factors giving rise to this situation, believes there is ample support to find and certify to the City Commission that a public emergency exists and that it is in the best interest of the City to waive competitive bidding, as the City would greatly benefit from utilizing Ribbeck to avoid coordination problems and construction delays; and

WHEREAS, pursuant to the City's cost sharing agreement with FDOT for the Project, FDOT has provided the City with notice of its concurrence to use of FDOT funds for its portion of the costs associated with the scope of work that Ribbeck Engineering will perform under Amendment No. 1 and, if this Resolution is adopted, the City will submit to FDOT the requisite compliance certifications to FDOT, pursuant to the Agreement's terms.

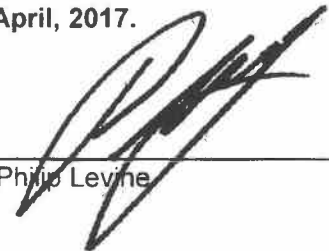
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the findings and written recommendation of the City Manager with respect to the Indian Creek Drive/State Road (SR) A1A, 26th Street to 41st Street - Flooding Mitigation Project (the "Project"), and certifying a valid public emergency pursuant to Subsections 287.055(3)(a)(1) and (9)(c)(6), Florida Statutes; and, as permitted pursuant to Subsection 2-367(e) of the City Code, waiving, by 5/7ths vote, the competitive bidding requirement, finding further that the best interest of the City would be served by such waiver; authorizing the City Manager or his designee to negotiate Amendment No. 1 to the Professional Services Agreement with Ribbeck Engineering, approved pursuant to Resolution No. 2016-29456, for the Project; said Amendment in the amount of \$863,171.92 plus a \$86,317.19 contingency, for a total amount of \$949,489.11, to provide for the preparation of a set of construction plans from 25th to 26th street, and 26th to 41st street, including sidestreets along the entire project limits, with the construction plans to include roadway, traffic control plans, seawall, drainage, signing and pavement markings, lighting and signalization components, and related improvements.

PASSED AND ADOPTED this 26 day of April, 2017.

ATTEST:



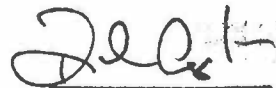
Rafael Granado, City Clerk



Mayor Philip Levine



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney RAP Date 4-24-17

RESOLUTION NO. 2017-30070

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ACCEPTING THE FINDINGS AND WRITTEN RECOMMENDATION OF THE CITY MANAGER WITH RESPECT TO THE INDIAN CREEK DRIVE/STATE ROAD (SR) A1A, 26 STREET TO 41 STREET - FLOODING MITIGATION PROJECT (THE "PROJECT"), AND CERTIFYING A VALID PUBLIC EMERGENCY PURSUANT TO SUBSECTIONS 287.055(3)(a)(1) AND (9)(c)(6), FLORIDA STATUTES; AND, AS PERMITTED PURSUANT TO SUBSECTION 2-367(e) OF THE CITY CODE, WAIVING, BY 5/7THS VOTE, THE COMPETITIVE BIDDING REQUIREMENT, FINDING FURTHER THAT THE BEST INTEREST OF THE CITY WOULD BE SERVED BY SUCH WAIVER; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO NEGOTIATE AND FINALIZE AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RIBBECK ENGINEERING, INC.; SAID AMENDMENT IN THE AMOUNT OF \$1,056,347.77 PLUS A \$158,452.17 OWNER'S CONTINGENCY, FOR A TOTAL AMOUNT OF \$1,214,799.94, TO PROVIDE FOR THE PREPARATION OF THE FINAL SET OF COMPLETE SIGNED AND SEALED CONSTRUCTION PLANS FROM 25TH TO 26TH STREET, AND 26TH TO 41ST STREET, INCLUDING SIDESTREETS ALONG THE ENTIRE PROJECT LIMITS, WITH THE CONSTRUCTION PLANS TO INCLUDE ROADWAY, TRAFFIC CONTROL PLANS, SEAWALL, DRAINAGE, SIGNING AND PAVEMENT MARKINGS, LIGHTING AND SIGNALIZATION COMPONENTS, AND RELATED IMPROVEMENTS.

WHEREAS, on September 27, 2015, the City experienced severe tidal flooding caused by King Tides of 1.12 feet above mean high water, in the area of Indian Creek Drive, from 26th to 41st Streets, which severely impacted both pedestrian and vehicular traffic for several days; and

WHEREAS, to avoid continued tidal flooding and severe flooding caused by high intensity rainfall events, the City, in conjunction with FDOT, must implement, as expeditiously as possible, infrastructure improvements which will include a new storm water drainage system, pump station, and seawall; and

WHEREAS, at its March 9, 2016 meeting, the City Commission adopted Resolution No. 2016-29332, approving an agreement between the City and Florida Department of Transportation (FDOT) for the cost sharing of a construction project on Indian Creek Drive from 26th to 41st Streets, for certain infrastructure improvements that will include a new storm water drainage system pump station and seawall; improvements to the existing roadway, curbs, gutters and sidewalks, which will be elevated to meet new flood elevation requirements; and improvements to driveways, light poles, signals, signage and pavement markings, which will be replaced to match the new roadway alignment and configuration; and

WHEREAS, at the June 8, 2016 meeting, the City Commission authorized the award of a Professional Service Agreement with Ribbeck Engineering, Inc., in the amount of \$407,851, with a scope of services which consists of developing a Design Criteria Package (DCP) and conceptual plans for the design build construction of approximately 0.85 miles of Indian Creek Drive, with the conceptual plans and DCP to be developed in accordance with FDOT design requirements and City of Miami Beach requirements; and

WHEREAS, the Administration continues to believe that the findings certified in Resolution No. 2016-29332 continue to exist, and that given the current condition of Indian Creek Drive, and the periodic flooding and closure of the road due to said flooding issues, there are extensive existing and potential future community hardships, including serious impacts to quality of life issues, to justify the necessity of beginning construction on Indian Creek Drive immediately; and

WHEREAS, the conditions in the area are so drastic and will only worsen if the work is postponed in order to go through a three (3) to six (6) month competitive procurement process; and

WHEREAS, on April 26, 2017, in furtherance of the initiative to protect residents from tidal flooding within the City of Miami Beach, the Mayor and City Commission approved Resolution No. 2017-29839, authorizing Amendment No. 1 to the Agreement with Ribbeck Engineering, Inc., to provide for an expanded scope of work for the preparation of a set of interim construction plans from 25th to 26th Street and 26th to 41st Street, including side streets along the entire Project limits of approximately 1.7 miles of roadway; with such interim plans to adhere to FDOT design criteria as well as City of Miami Beach contract requirements; and

WHEREAS, in Resolution No. 2017-29839, due to the foregoing tidal flooding conditions and the urgent need for completion of the Project, and due to the fact that Ribbeck Engineering was already performing work on the Project, the City Manager, in assessing the totality of factors giving rise to this situation, certified to the City Commission, and the City Commission accepted, that a public emergency existed and that it was in the best interest of the City to waive competitive bidding, as the City would greatly benefit from utilizing Ribbeck to avoid coordination problems and construction delays; and

WHEREAS, the City's funding agreement with FDOT stipulates that the Project shall be implemented in two (2) construction phases, namely (1) the Interim Phase (which is currently underway), and which includes the underground drainage construction component, including drainage pipes ranging in size up to 72 inches in diameter, drainage structures, the pump station structure and roadway drainage system reconstruction; and (2) the "Ultimate Phase," which includes the roadway reconstruction component, raising the roadway and harmonization to final grade; and

WHEREAS, with respect to the Ultimate Phase design and construction work, FDOT and the City previously contemplated for the Ultimate Phase portion of the Project to be completed by a design-build team selected through a competitive bid procurement process; and

WHEREAS, the project Interim Phase has been under construction for almost one year, and due to lessons learned during this process, as well as unique conditions and constraints applicable to this Project, FDOT and City staff believe that, rather than proceed with a design/build construction methodology, the Ultimate Phase work would be better accomplished by first completing the design plans for the Project, and then selecting a contractor, via an Invitation to Bid process, to perform the construction work; and

WHEREAS, in furtherance of the initiative to expedite the construction of the Ultimate Phase and protect residents from tidal flooding within the City of Miami Beach, the Public Works Department has requested an additional scope of work from Ribbeck Engineering, Inc., for the preparation of a set of Ultimate Phase construction plans from 25th to 41st Street, including side streets along the entire Project limits of approximately 1.7 miles of roadway; the final construction plans will include detailed roadway, traffic control plans and analysis, seawall plans, drainage analysis and plans, signing, pavement markings, lighting and signalization

components, and related improvements, and the scope will include a design variations memorandum and reports including crash data analysis and benefit cost ratios which are required on FDOT projects, and which will adhere to FDOT design criteria as well as City of Miami Beach contract requirements; and

WHEREAS, the Ultimate Phase construction plans are required in order to be able to complete the electrical and mechanical design of the pump station which will reduced the time and cost of temporary pumps. Only the design and construction of the pump station structures were included as part of the interim design; and

WHEREAS, the cost proposal for the Ultimate Phase scope of services, including final construction plans, is in the amount of \$1,056,347.77, plus an Owner's Contingency of fifteen percent (15%), in the amount of \$158,452.17, for a total amount of \$1,214,799.94 for the Ultimate Phase work; and

WHEREAS, a scope of work is attached as Exhibit 1, and the proposed hours of effort for the work is attached as Exhibit 2 thereto, and provides that Ribbeck Engineering and subcontractors will perform the work under the same hourly rates and percentages for overhead and profit as in its contract with FDOT; and

WHEREAS, due to the foregoing tidal flooding conditions and the urgent need for the completion of the Project, and due to the fact that Ribbeck Engineering is already performing work on the Project, the City Manager, in assessing the totality of factors giving rise to this situation, believes there is ample support to find and certify to the City Commission that the public emergency, as certified in Resolution No. 2016-29332 and Resolution No. 2017-29839 continues to exist, and that it is in the best interest of the City to waive competitive bidding, as the City would greatly benefit from utilizing Ribbeck to avoid coordination problems and construction delays; and

WHEREAS, the City will be funding the design costs set forth in this Amendment No. 2, at its sole expense, pursuant to the cost-sharing agreement with FDOT; and

WHEREAS, the proposed Amendment No. 2 is attached as Exhibit "C" to the Commission Memorandum accompanying this Resolution.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby accept the findings and written recommendation of the City Manager with respect to the Indian Creek Drive/State Road (SR) A1A, 26th Street to 41st Street - Flooding Mitigation Project (the "Project"), and certifying a valid public emergency pursuant to Subsections 287.055(3)(a)(1) and (9)(c)(6), Florida Statutes; and, as permitted pursuant to Subsection 2-367(e) of the City Code, waiving, by 5/7ths vote, the competitive bidding requirement, finding further that the best interest of the City would be served by such waiver; authorizing the City Manager or his designee to negotiate and finalize Amendment No. 2 to the Professional Services Agreement with Ribbeck Engineering, approved pursuant to Resolution No. 2016-29456, for the Project; said Amendment No. 2 in the amount of \$1,056,347.77 plus a \$158,452.17 Owner's Contingency, for a total amount of \$1,214,799.94, to provide for the preparation of the final set of complete signed and sealed construction plans from 25th to 26th street, and 26th to 41st street, including sidestreets along the entire project limits, with the construction plans to include roadway, traffic control plans, seawall, drainage, signing and pavement markings, lighting and signalization components, and related improvements.

PASSED AND ADOPTED this 18th day of October, 2017.

ATTEST:

781 10/30/17
Rafael Granado, City Clerk

Mayor Philip Levine



APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

R. L. Cort 10-12-17
City Attorney RNP Date

RESOLUTION NO. 2018-30547

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 3 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 (THE "PROJECT"), IN THE AMOUNT OF \$308,360.46, PLUS A \$30,836.05 OWNER'S CONTINGENCY, FOR A TOTAL AMOUNT OF \$339,196.51, FOR ADDITIONAL ENGINEERING SERVICES FOR THE PROJECT; WITH PREVIOUSLY APPROPRIATED FUNDING.

WHEREAS, on March 9, 2016, the Mayor and City Commission adopted Resolution 2016-29332 approving a Department Funded Agreement (DFA) between the City and the Florida Department of Transportation (FDOT) for the cost sharing of a construction project on Indian Creek Drive from 26th to 41st Streets; 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, to develop the Design Criteria Package (DCP) and conceptual plans for approximately 0.85 miles of Indian Creek Drive; and

WHEREAS, the DFA stipulates that the project shall be implemented in two (2) construction phases; and

WHEREAS, the "Interim" Phase construction for the underground drainage component, including drainage pipes ranging in size up to 72 inches in diameter, drainage structures, 24 inch diameter storm drainage pipes along the side streets, the pump station structure and roadway drainage system is now substantially completed; and

WHEREAS, the "Ultimate" phase includes the roadway reconstruction component, raising the roadway and harmonization to the final grade; and

WHEREAS, on April 26, 2017, the Mayor and City Commission adopted Resolution 2017-29839, authorizing the negotiation of Amendment No. 1 to the Professional Services Agreement 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 25th to 26th Streets, and 26th to 41st Streets, including side streets along the entire project limits; and

WHEREAS, on October 18, 2017, the Mayor and City Commission adopted Resolution 2017-30070, authorizing the negotiation of 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 final signed and sealed construction plans for the entire project limits; and

WHEREAS, the scope of work included detailed roadway, traffic control plans and analysis, seawall plans, drainage analysis and plans, signage, signalization, pavement markings, lighting and related improvements.

WHEREAS, the scope also included a Design Variations memorandum and reports including crash data analysis and cost benefit ratios required by FDOT and electrical and mechanical design of the pump station to reduce the time and cost of temporary pumps; and

WHEREAS, the City and FDOT staff determined that rather than proceeding with a design/build construction methodology, the Ultimate Phase work would be better accomplished by first completing the design plans for the Project, and then selecting a contractor, via an Invitation to Bid process, to perform the construction work; and

WHEREAS, on September 21, 2018, Invitation to Bid (ITB) 2018-054ZD was issued for the Indian Creek Improvements from 25th to 41st Streets, with a Bid Opening date scheduled for November 12, 2018; and

WHEREAS, due to the change in the project procurement method, increase in the scope of work and construction price escalation, FDOT is increasing their cost sharing participation for this project; and

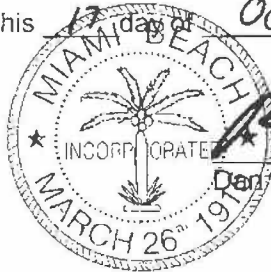
WHEREAS, a revised Department Funded Agreement (DFA) with FDOT is being presented to the City Commission, for approval on October 17, 2018; and

WHEREAS, at the request of City Administration, Ribbeck Engineering Inc. submitted a negotiated cost proposal (Attachment A) in the amount of \$308,360.46, plus a ten percent (10%) Owner's Contingency of \$30,836.05, for a total of \$339,196.51, for performing subsurface exploration to further identify potential utilities conflicts, modifications to roadway and drainage design resulting from owners requests to revise 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, this cost proposal was submitted to the Public Works Department and Office of Capital Improvements Projects for review and staff found the proposal was 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 authorize the Mayor and City Clerk to execute Amendment No. 3 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 (the "Project"), in the amount of \$308,360.46, plus a \$30,836.05 Owner's Contingency, for a total amount of \$339,196.51, for additional engineering services for the Project; with previously appropriated funding.

PASSED and ADOPTED this 17 day of October, 2018.



Don Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk
10/18/18

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

Rafael E. Granado 10/10/18
City Attorney RAF Date

RESOLUTION NO. 2019-30943

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AMENDMENT NO. 4 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 TO PROVIDE ENGINEERING SERVICES FOR THE CONSTRUCTION PHASE OF THE INDIAN CREEK PHASE III IMPROVEMENTS FROM 25TH TO 41ST PROJECT, IN AN AMOUNT NOT-TO-EXCEED \$383,670, FOR A TOTAL CONTRACT AMOUNT OF \$3,295,006.55.

WHEREAS, on March 9, 2016, the Mayor and City Commission adopted Resolution 2016-29332 approving a Department Funded Agreement ("DFA") between the City and the Florida Department of Transportation ("FDOT") for the cost sharing of the Indian Creek Drive from 26th to 41st Streets project (the "Project"); 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. (the "PSA"), to develop the Design Criteria Package ("DCP") and conceptual plans for approximately 0.85 miles of Indian Creek Drive, for a total contract amount of \$407,851; and

WHEREAS, the DFA stipulates that the Project shall be implemented in two (2) construction phases, the "Interim" phase and the "Ultimate" phase; and

WHEREAS, the "Interim" phase construction for the underground drainage component is now substantially complete, which included installation of drainage pipes ranging in size up to 72 inches in diameter, drainage structures, 24-inch diameter storm drainage pipes along the side streets, the pump station structure, and roadway drainage system; and

WHEREAS, the "Ultimate" phase includes the roadway reconstruction component, raising the roadway, and harmonization to the final grade; and

WHEREAS, on April 26, 2017, the Mayor and City Commission adopted Resolution 2017-29839, authorizing the City to enter into negotiations for Amendment No. 1 to the PSA with Ribbeck Engineering, Inc., to prepare a set of "Interim" construction plans from 25th to 26th Streets and 26th to 41st Streets, including side streets along the entire Project limits, in the amount of \$863,171.92 plus a \$86,317.19 City contingency, increasing the contract amount by \$949,489.11, for a total contract amount of \$1,357,340.11; and

WHEREAS, on October 18, 2017, the Mayor and City Commission adopted Resolution 2017-30070, authorizing the City to enter into negotiations for Amendment No. 2 to the PSA with Ribbeck Engineering, Inc., to complete the "Ultimate" phase with final signed and sealed construction plans for the entire Project limits, in the amount of \$1,056,347.77, plus a fifteen percent (15%) City Contingency in the amount of \$158,452.17, increasing the contract amount by \$1,214,799.94, for a total contract amount of \$1,622,650.94; and

WHEREAS, on October 30, 2018, the Mayor and City Commission adopted Resolution 2018-30547, authorizing Amendment No. 3 to the PSA with Ribbeck Engineering, Inc., to perform subsurface exploration to further identify potential utilities conflicts, modifications to roadway and drainage design resulting from requests to modify harmonization plans for the adjacent properties, parking lanes modification to meet FDOT criteria, additional utility coordination, special handrail design to meet City criteria, and additional coordination efforts, in the amount of \$308,364.46,

plus a ten percent (10%) City contingency in the amount of \$30,836.05, increasing the contract amount by \$339,196.50, for a total contract amount of \$1,961,847.44; and

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

WHEREAS, in order to move forward with the construction phase of the Indian Creek Phase III Project with Ric-Man Construction Florida Inc., Ribbeck Engineering Inc. submitted a negotiated cost proposal for Amendment No. 4 to the PSA to provide engineering services during the construction phase of the Indian Creek Phase III Project, in the amount not-to-exceed \$383,670; and

WHEREAS, the services to be performed by Ribbeck Engineering Inc. during construction of the Indian Creek Phase III Project pursuant to Amendment No. 4 to the PSA include, but are not limited to, attending bi-weekly construction meetings, shop drawing reviews, responding to requests for information, post bid revisions, Collins Avenue design revisions, geotechnical surveys, testing, and structural design; and

WHEREAS, this Amendment No. 4 to the PSA with Ribbeck Engineering Inc. will bring the total PSA contract amount to \$3,295,006.55; and

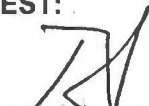
WHEREAS, Ribbeck Engineering Inc.'s cost proposal for Amendment No. 4 was reviewed by the Public Works Department and the Office of Capital Improvements and deemed to be fair and reasonable.

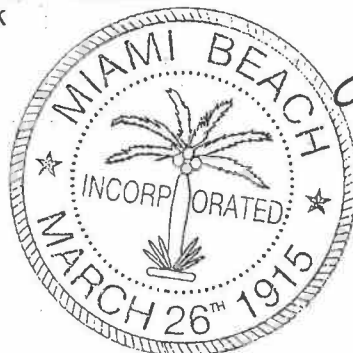
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA that the Mayor and City Commission of the City of Miami Beach, Florida hereby approves and authorizes the Mayor and City Clerk to execute Amendment No. 4 to the Professional Services Agreement between 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 to provide engineering services for the construction phase of the Indian Creek Phase III Improvements from 25th to 41st Project, in an amount not-to-exceed \$383,670, for a total contract amount of \$3,295,006.55.

PASSED and ADOPTED this 11 day of September, 2019.

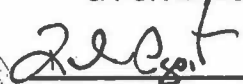

Dan Gelber, Mayor

ATTEST:

 8/16/19
Rafael E. Granado, City Clerk



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

 8/29/19
City Attorney Date

RESOLUTION NO. 2020-31292

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.

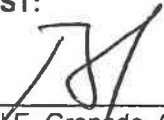
NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby authorizes the Mayor and City Clerk to execute Amendment No. 5 to the professional services agreement between the City of Miami Beach and Ribbeck Engineering 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 24 day of June, 2020.

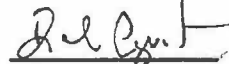


Dan Gelber, Mayor

ATTEST:


7/1/2020
Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION


City Attorney

6/16/2020
Date

