



City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Honorable Mayor Dan Gelber and Members of the City Commission

FROM: Alina T. Hudak, City Manager

DATE: March 27, 2023

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE SIXTH AMENDMENT TO THE CAPITAL BUDGET FOR FISCAL YEAR 2023 AS SET FORTH IN ATTACHMENTS A, "PROJECTS"; B, "SOURCE OF FUNDS"; AND C, "PROGRAMS."**

STRATEGIC PLAN SUPPORTED

Organizational Innovation – Ensure strong fiscal stewardship

ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

BACKGROUND

Planning for capital improvements is an ongoing process; as needs change within the City of Miami Beach ("the City"), capital programs and priorities must be adjusted accordingly. The Capital Improvement Plan ("CIP") serves as the primary planning tool for systematically identifying, prioritizing, and assigning funds to critical City capital development, improvements, and associated needs.

The City's CIP process begins in the spring when all departments are asked to prepare capital improvement updates and requests on the department's ongoing and proposed capital projects. Individual departments prepare submittals identifying potential funding sources and requesting commitment of funds for their respective projects.

The CIP is updated annually and submitted to the City Commission for adoption. The FY 2023 – 2027 Capital Improvement Plan and FY 2023 Capital Budget was adopted on September 28, 2022 by Resolution No. 2022-32337.

The First Amendment to the FY 2023 Capital Budget was adopted on October 26, 2022 by Resolution No. 2022-32381.

The Second Amendment to the FY 2023 Capital Budget was adopted on November 30, 2022 by Resolution No. 2022-32420.

The Third Amendment to the FY 2023 Capital Budget was adopted on December 14, 2022 by Resolution No. 2022-32446.

The Fourth Amendment to the FY 2023 Capital Budget was adopted on February 1, 2023 Resolution No. 2023-32482.

The Fifth Amendment to the FY 2023 Capital Budget was adopted on February 22, 2023 by Resolution No. 2023-32512.

SIXTH AMENDMENT TO THE FY 2023 CAPITAL BUDGET

The Sixth Amendment to the FY 2023 Capital Budget reflects an overall increase of \$3,030,000 for the following capital project:

BAYSHORE PARK (PAR 3)

The scope of this project is to develop the 19.4-acre former Par 3 Golf Course located at 2300 Pine Tree Drive, as a natural passive public park. Elements include a central lake; open meadow and informal playing fields; landforms; tennis courts (6) with a tennis building that includes office, storage, and restrooms; children's playground; dog park; boardwalks and pathways; security lighting along the walkways; vita course and fitness center; landscaping with irrigation; and includes parking.

On August 19, 2022, the Invitation to Bid (ITB) was issued by the Procurement Department. On October 21, 2022, the City received two responses from the following firms: Burke Construction Group, Inc., and Buslam Company Partners Inc.

The ITB stated that the lowest responsive and responsible bidder meeting all terms, conditions, and specifications of the ITB would be recommended for award. The Procurement department and Office of Capital Improvement Projects found that the bid submitted by Buslam Company Partners Inc. for the full scope of work in the amount \$31,965,025.00, met the requirements. The bid documents also included 10 deductive alternates for which the contractor provided a deductive amount of \$1,841,587.65.

Additionally, the Police department requested the inclusion of CCTV security infrastructure in the scope of work. The current project does not include this scope or funding. The estimated cost for the design and construction of the CCTV infrastructure approximates an additional \$1.2 million.

The bid received exceeded the current approved project budget of \$26,560,190.00. Based on the bid amount, whether or not deductive alternates are applied and/or the CCTV infrastructure funding is added, the total required project budget ranges between \$39.5 million to \$42.7 million, including project management and owner contingency. This results in a \$12.9 million to \$16.2 million funding gap.

The Administration recommends that the City proceed with the complete project scope, including the CCTV infrastructure as described above, for an approximate total budget amount of \$42.7 million.

At its December 14, 2022 meeting, the Commission approved the award of the contract to Buslam Company Partners, Inc. in the amount of \$31,965,025 plus 10% contingency for a grand total of \$35,161,527 contingent upon confirmation of the Resilient Florida Grant. Also, at the same meeting, the City Commission approved the appropriation of \$13.2 million to this project, with the

understanding that the remaining \$3,029,472 million in funding would be finalized once the City received further information regarding the outcome of the Resilient Florida grant application.

Resilient Florida Grant - \$3,029,472

In February 2023, the City received notification of a Federal grant award for this project in the amount of \$3,029,472 through the Resilient Florida Program for the neighborhood stormwater scope of the project (construction of retention lake). The Administration has reviewed the grant requirements and has identified certain federal requirements that could be addressed by incorporating them into the construction contract. However, the following requirements need further clarification from the Florida Department of Environmental Protection (FDEP). A new procurement could be required or necessary, if unable to resolve all federal requirements.

- Build America, Buy America Act (BABAA)
- Procurement of Recovered Materials
- Specifying Brand Name
- Small Business Minority

Recommendation

In order to proceed with the project without further delay, the Administration recommends appropriating funding to cover the remaining gap from an alternate funding source and authorizing the City Manager and City Clerk to execute the contract with Buslam Company Partners Inc. in the amount of \$35,161,527. Funding for this proposed amendment would come from available fund balances, as noted below.

Fund Name	Fund #	\$
2015 SW Bonds	432	1,410,597
Stormwater Capital	434	1,619,403
Total		3,030,000

ATH/KGB/JG/TOS