

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AMENDMENT NO. 1 (WORK ORDER NO. 043715.03) TO THE INDIAN CREEK STORM WATER IMPROVEMENTS PROJECT, FROM 25TH TO 41ST STREET, UTILIZING THE COMPETITIVELY BID NATIONAL JOINT POWER ALLIANCE (NJPA) COOPERATIVE CONTRACT FOR CONSTRUCTION SERVICES WITH THE GORDIAN GROUP, APPROVED PURSUANT TO RESOLUTION NO. 2016-29521; AND SAID AMENDMENT WILL PERMIT, AT A COST OF \$9,000,000.00 TO THE CITY, TO CONTINUE DRAINAGE IMPROVEMENTS ALONG INDIAN CREEK DRIVE.**

**WHEREAS**, the City Commission approved Resolution No. 2016-29332 on March 9, 2016, and approved a Department Funded 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 (the "Project"); and

**WHEREAS**, the respective proportionate share percentages for the Project cost are 78.7% for FDOT, and 21.3% for the City, with a combined Project cost estimate of \$25,000,000, in which the City is capable of procuring the construction of the entire drainage system portion through the competitively bid National Joint Powers Alliance (NJPA); and

**WHEREAS**, the estimated drainage cost was \$11,000,000, which was based on FDOT average prices and conceptual plans generated by FDOT's consultant, Ribbeck Engineering, Inc.; and

**WHEREAS**, at its July 20, 2016 meeting, the City Commission approved Resolution No. 2016-29521 for the Indian Creek Drive Storm Water Improvements, from 26th to 41st Streets, having an initial estimated construction cost of \$3,000,000, including a ten percent (10%) contingency, and further authorized the City Manager to procure the Project construction services utilizing the competitively bid National Joint Powers Alliance (NJPA) Cooperative Contract for Construction Services with the Gordian Group; and

**WHEREAS**, at the time, it was stated that the \$3,000,000 was only a portion of the entire drainage system, and additional funding was going to be necessary to complete the drainage work; and

**WHEREAS**, due to complexity and urgency of the Project, the Administration recommended engaging David Mancini and Sons, Inc. (DMSI), as the NJPA approved construction firm responsible in building the storm water drainage system; and

**WHEREAS**, the City Commission approved Resolution No. 2017-29839 on April 26, 2017, approving 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; and

**WHEREAS**, the interim construction plans were required in order to construct a 72 inch diameter main trunk along Indian Creek Drive, as well as to provide drainage improvements along the aforementioned side streets by increasing the existing drainage lines to 24 inches; and

**WHEREAS**, the interim construction plans were to follow FDOT design criteria, and those City contract requirements; and

**WHEREAS**, as a result of the latest drainage and roadway plans for the entire Project, a new total cost estimate has been generated for \$33.1 million, of which \$17.7 million, is the cost for completing the drainage work; and

**WHEREAS**, this escalation in cost includes the addition of a drainage push button project at 26th Street and Collins that was requested by FDOT, 140 additional drainage structures, one additional pollution control structure, and 2400 additional linear feet of drainage pipes ranging in size from 18 to 72 inches in diameter; and

**WHEREAS**, the original cost estimate was based on conceptual plans that did not account for utility conflicts, pump station design changes due to requirements from the County Department of Environmental Resources Management, and harmonization for each property along Indian Creek Drive and some of the side streets; and

**WHEREAS**, as the City continues with the acquisition of properties along Indian Creek Drive, it has been determined that the cost to build a continuous seawall is approximately \$8,000,000, which will need to be funded independently of the DFA Agreement; and

**WHEREAS**, the seawall construction cost was not included as part of the original DFA cost estimate; however, the State was willing to allow the City to use the seawall cost toward our \$5 million contribution, if the Project was completed within the \$25 million budget; and

**WHEREAS**, the DFA cost estimate did include a barrier wall that would enable the roadway to be elevated. However, based upon the conceptual design, it was contemplated that there would either be a seawall or the barrier wall, depending upon the property ownership; and

**WHEREAS**, FDOT has informed the City that the barrier wall will need to be continuous along the Project, thereby removing funding that could have been used for other portions of the Project; and

**WHEREAS**, currently, the Administration is in conversations with FDOT trying to agree to the same cost share percentages for the additional cost, in which FDOT would pay for 78.7%, and the City 21.3%; and

**WHEREAS**, in an effort to continue with the drainage work and avoid Project delays, staff is requesting the City Commission authorize the City Manager to negotiate Amendment No. 1 to the Indian Creek Storm Water Improvements, from 25th to 41st Streets Project, utilizing the competitively bid NJPA Cooperative Contract for Construction Services with the Gordian Group (approved pursuant to Resolution No. 2016-29521), and this Amendment will represent a cost to the City of \$9,000,000, which will



only cover part of the drainage work based on the latest cost estimate; and

**WHEREAS**, by approving this \$9,000,000 Amendment, the City will stay within the original cost estimate and, at the same time, staff will continue the negotiations with FDOT; and

**WHEREAS**, the City Engineer's and Design Engineer (Engineer of Record) issued an opinion of probable construction cost, which has been determined that the cost for this next phase of the Project will be in the amount of \$9,000,000, and it is considered reasonable for the type of work that will be accomplished.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve and authorize the City Manager to negotiate Amendment No. 1 (Work Order No. \_\_\_\_\_) to the Indian Creek Storm Water Improvements Project, from 25th to 41st Streets, utilizing the competitively bid National Joint Power Alliance (NJPA) Cooperative Contract for Construction Services with the Gordian Group (approved pursuant to Resolution No. 2016-29521), and said amendment will permit, at a cost of \$9,000,000.00 to the City, to continue drainage improvements along Indian Creek Drive.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_ 2017.

ATTEST:

\_\_\_\_\_  
Rafael Granado, City Clerk

\_\_\_\_\_  
Philip Levine, Mayor

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

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

\_\_\_\_\_  
Date