

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 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:

Mayor Philip Levine

Rafael Granado, City Clerk

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

ATTEST:

Mayor Philip Levine

Rafael Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

 Rafael Granado 10-12-17
City Attorney *RAG* Date