

RESOLUTION NO. _____

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 _____ day of _____, 2018.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney *RAG* Date 10/10/18

**AMENDMENT No. 3
TO THE PROFESSIONAL
ENGINEERING SERVICES AGREEMENT
BETWEEN
THE CITY OF MIAMI BEACH, FLORIDA
AND
RIBBECK ENGINEERING, INC.
DATED July 26, 2016**

**FOR THE PROVISION OF ADDITIONAL ENGINEERING SERVICES FOR THE INDIAN
CREEK DRIVE /STATE ROAD (SR) A1A, 26 STREET TO 41 STREET- FLOOD
MITIGATION PROJECT IN THE AMOUNT OF \$339,196.51.**

This Amendment No. 3 to the Agreement is made and entered this ____ day of _____, 2018, by and between the CITY OF MIAMI BEACH, a municipal corporation existing under the laws of the State of Florida (the "City"), having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida 33139, and Ribbeck Engineering Inc., a Florida Corporation having its principal office at 14335 SW 120 St. #205, Miami, Florida 33146 (the "Consultant").

RECITALS

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; and

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 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, 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, the parties hereto, and in consideration of the mutual promises, covenants, agreements, terms, and conditions herein contained, and other good and valuable consideration, the respect and adequacy are hereby acknowledged, do agree as follows:

1. **ABOVE RECITALS**

The above recitals are true and correct and are incorporated as a part of this Amendment No. 3.

2. **MODIFICATIONS**

- (a) The Agreement is amended, as provided herein and in Schedule "A" attached hereto.
- (b) In consideration for the services to be performed under this Amendment No. 3, City shall pay Consultant the not-to-exceed amount of \$339,196.51, as provided in schedule "A", attached hereto.

3. **OTHER PROVISIONS.**

All other provisions of the Agreement, as amended, are unchanged and shall remain in full force and effect.

4. **RATIFICATION.**

The City and Consultant ratify the terms of the Agreement, as amended by this Amendment No. 3.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 3 to be executed in their names by their duly authorized officials as of the date first set forth above.

ATTEST:

CITY OF MIAMI BEACH, FLORIDA

Rafael E. Granado,
City Clerk

Dan Gelber
Mayor

ATTEST:

CONSULTANT:
RIBBECK ENGINEERING, INC.

Secretary

Principal

Print Name

Print Name

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney 10-10-18 Date
RAP