

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 CHANGE ORDER NO. 3 TO THE DESIGN/BUILD AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA, AND RIC-MAN CONSTRUCTION FLORIDA, INC., FOR THE WEST AVENUE PHASE II IMPROVEMENTS NORTH OF 14<sup>TH</sup> STREET PROJECT, FOR (1) ADDITIONAL DESIGN AND CONSTRUCTION SERVICES, INCLUDING, WITHOUT LIMITATION, DESIGN AND CONSTRUCTION ASSOCIATED WITH THE RECOMMENDATIONS BY THE RESILIENCY ACCELERATOR PROGRAM, FOR A NOT-TO-EXCEED AMOUNT OF \$12,800,000, PLUS 10% OWNER'S CONTINGENCY IN THE AMOUNT OF \$1,280,000; AND (2) RECOMMENDED ADDITIONAL SCOPE, INCLUDING ADDITIONAL PUMP CAPACITY AND PRE AND POST STORMWATER ANALYSIS, IN THE NOT-TO-EXCEED AMOUNT OF \$3,349,000, PLUS 10% OWNER'S CONTINGENCY IN THE AMOUNT OF \$334,900; WITH SAID CHANGE ORDER NO. 3 HAVING A TOTAL CONTRACT VALUE, INCLUDING OWNER'S CONTINGENCY, IN THE AMOUNT OF \$17,763,900; FURTHER, PROVIDING THAT A PORTION OF CHANGE ORDER NO. 3, IN THE AMOUNT OF \$8,503,753.49, SHALL BE FUNDED WITH PREVIOUSLY APPROPRIATED FUNDS, AND THE REMAINING BALANCE OF CHANGE ORDER NO. 3, IN THE AMOUNT OF \$9,260,146.51, SHALL BE SUBJECT TO AND CONTINGENT UPON AN APPROPRIATION OF FUNDS AT THE CITY COMMISSION'S SOLE DISCRETION, VIA A CAPITAL BUDGET AMENDMENT TO BE CONSIDERED AT THE DECEMBER 12, 2018 CITY COMMISSION MEETING, AND FURTHER, IF ANY SUCH BUDGET AMENDMENT IS APPROVED, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE FINAL NEGOTIATED CHANGE ORDER NO. 3.

**WHEREAS**, on March 22, 2017, the Mayor and City Commission adopted Resolution No. 2017-29800, awarding design/build services to Ric-Man Construction Florida, Inc. (Ric-Man), for West Avenue North of 14<sup>th</sup> Street Improvements Phase II - North of 14<sup>th</sup> Street (the "Project"), with the Guaranteed Maximum Price of \$29,669,344, including a 10% Owner's Contingency; and

**WHEREAS**, on December 13, 2017, the City Commission referred all planned and in-progress resiliency projects to the Sustainability and Resiliency Committee for further evaluation of stormwater criteria and design; and

**WHEREAS**, at that time, Ric-Man had completed approximately 60% of the Project design, but stopped further development of this Project, including its design, due to the action by the City Commission; and

**WHEREAS**, on January 11, 2018, Change Order No. 1 was executed for a 30 day non-compensatory extension of time to the total Contract Time set forth in the Agreement, due to the impact of Hurricane Irma; and

**WHEREAS**, on March 16, 2018, Change Order No. 2 was executed in the amount of \$3,270,932 for funding of certain above-ground improvements to the project, with no additional time extension, increasing the cost of the Agreement to \$32,940,276; and

**WHEREAS**, during the months of January through March 2018, the Sustainability and Resiliency Committee reviewed and evaluated the City's design criteria for stormwater

management, and also sought independent outside review by the Urban Land Institute (ULI); and

**WHEREAS**, the ULI is also a partner of a professional network that provides resiliency-building tools, called the 100 Resilient Cities Network; and

**WHEREAS**, on April 2018, the City entered into a successful partnership with the Urban Land Institute in order to review the citywide Stormwater Resiliency Program; and

**WHEREAS**, the ULI's preliminary findings were not only a validation of the City's initial efforts, but also a call to raise standards to ensure a livable and sustainable community; and

**WHEREAS**, on May 31, 2018, the West Avenue project was selected to participate in the Resilience Accelerator; and

**WHEREAS**, the Resilience Accelerator Program is a partnership between 100 Resilient Cities and the Center for Resilient Cities and Landscapes at Columbia University; and

**WHEREAS**, the Rockefeller Foundation has funded this program with a \$3.7 million grant to connect the diverse challenges of a global network of cities to the expertise of the world's top schools of planning and design ; and

**WHEREAS**, in June 2018, the 100 Resilient Cities and Columbia University held meetings with City staff and members of the community to present information and obtain feedback on the West Avenue Project; and

**WHEREAS**, on August 6 - 8, 2018 the Resilience Accelerator workshop was held and Columbia University and the City's Chief Resiliency Officer brought together multi-disciplinary expertise to provide guidance on urban design, innovative engineering solutions, and stakeholder engagement; and

**WHEREAS**, the City's team consisted of the design build team headed by Ric-Man, staff from City Manager's Office, Office of Capital Improvement Projects (CIP), Environment & Sustainability, Fire, Parking, Planning, Public Works, and Transportation Departments, and subject matter experts in engineering, architecture and urban design; and

**WHEREAS**, over the course of the three day workshop, the team identified appropriate enhancements based on the Project's lifecycle, existing and future site challenges, and feedback from the local community; and

**WHEREAS**, on September 4, 2018, a meeting was held with the West Avenue Neighborhood Association (WAVNA) and on September 21, 2018, a meeting was held with the North of Fifth Neighborhood Association (NOFNA), to present the findings of the Resilience Accelerator Workshop; and

**WHEREAS**, on September 26, 2018, Staff presented the findings of the Resilience Accelerator Workshop to the Sustainability and Resiliency Committee; and

**WHEREAS**, on October 17, 2018, the City Commission accepted the recommendations of the Resiliency Accelerator and the final ULI Report for implementation; and



**WHEREAS**, the City Commission directed staff to look into alternate road systems, replacing the typical limerock road base with an alternate asphalt blacktop base; and

**WHEREAS**, an alternate road system would substitute the typical road construction that consists of a 2 inch layer of asphalt over 8 inches of limerock base over 12 inches of stabilized sub-grade with 7 inches of asphalt over the 12 inches of stabilized sub-grade and could cost approximately \$1,015,000; and

**WHEREAS**, during the Resilience Accelerator workshop, the team worked through concerns identified by the community, as well as other issues raised during the workshop, including road elevation; road harmonization with private properties; turning lanes vs. roadway medians; pedestrian and bicycle prioritization; enhanced walkability; enhanced tree canopy; stormwater quality; baywalk connectivity and construction phasing; and

**WHEREAS**, based on the Accelerator Program Recommendations, the Project elements to remain in the project include 3.7' NAVD Minimum Road Elevation and three continuous vehicular travel lanes; and

**WHEREAS**, the City has reached a consensus with the community as it relates to street cross-sections, road elevations, traffic lanes and stormwater criteria, therefore, the Project will continue to be developed based on this consensus including the Resilience Accelerator and Design Criteria Professional recommendations; and

**WHEREAS**, opportunities to fine tune the design (without material changes) would take place during the completion of the 60% and 90% design documents; and

**WHEREAS**, the roadway elevation in the design criteria for the West Avenue Project requires minimum road crown elevation of 3.7' NAVD; and

**WHEREAS**, the design/build team will meet individually with each property in the corridor to discuss harmonization before construction begins; and

**WHEREAS**, the Resilience Accelerator participants recommend for the pedestrian space to be maximized, with the new proposed criteria to require that 40 feet of ROW be dedicated to bicycles, pedestrians and greenspace, and only 30 feet be dedicated to vehicles; and

**WHEREAS**, based on safety needs along the corridor, location of required turn lanes, location of building entrances and exits, and maintenance of traffic flow it was not recommended to add center medians, therefore the center lane will be used as a turning and access lane; and

**WHEREAS**, the preferred approach is to focus on enhancing the pedestrian and bicycle experience where possible along West Avenue, and at the bay front and Collins Canal street ends, with more pedestrian friendly spaces, such as small plazas, public art, and other aesthetic improvements; and

**WHEREAS**, the West Avenue typical section North of 14<sup>th</sup> Street will reflect the following, two 5.5' wide protected bike lanes, one on either side of the road; two 10' wide lanes, one northbound and one southbound vehicular travel lane and one 10' foot two way center lane; and

**WHEREAS**, maintaining high water quality standards are an integral component to the success of this Project, therefore, the design will address the quality of the water being discharged from the pump station into Biscayne Bay through pollution control devices; and

**WHEREAS**, based on the City's internal review, ULI Report and recommendations from the Resilience Accelerator, the following items should be included in the project:

1. Relocating the water main and sanitary sewer service connections from the rear to the front of lots;
2. Updating the design criteria for storm protection from a 5-year to a 10-year storm event;
3. Installing five (5) permanent stormwater auxiliary power generators at four locations; two (2) at 14<sup>th</sup> Street, one (1) at 17<sup>th</sup> Street, one (1) at Bay Road and one (1) at Lincoln Road. Permanent generators will provide redundancy during power outages. The location of the generators will be coordinated with the Planning and the Environment & Sustainability Departments to ensure an enhanced street end design, and one of the two generators at 14<sup>th</sup> Street will service an existing FDOT pump station;
4. Installing 560' of 18" PVC pipe as sanitary sewer, with 30 laterals and associated manholes at Alton Court.
5. Increasing resident participation, to include public interface, presentations, required workshops, exhibits and meetings, related to private property harmonization.
6. Updating and enhancing all street ends, including 14<sup>th</sup> Street, 16<sup>th</sup> Street, Lincoln Terrace, Lincoln Road, Lincoln Court and Bay Road ( From Lincoln Road to the canal), to accommodate more tree canopy, wider sidewalks where possible, and pavers to provide an enhanced pedestrian experience and connectivity to the baywalk.
7. Protecting all specimen trees defined by the City Code throughout construction. The landscape designer and the contractor will work with the Urban Forester to ensure specimen trees are protected during construction to minimize the impacts to mature tree canopy; and
8. Interfacing with the residents, create additional exhibits, attend monthly meetings, visits and presentations; and

**WHEREAS**, based on Ric-Man's inability to move forward with the Project during the evaluation of the stormwater criteria and design, listed below are the associated costs:

1. Salary and Labor cost escalation due to work stoppage for approximately one year;
2. Material and commodity escalation; increased costs of materials, asphalt, pump equipment, electrical equipment, concrete and fuel costs, due to work stoppage for approximately one year;
3. Re-start impact; loss of efficiency, loss of employees, overhead costs, re-hire fees; and

**WHEREAS**, the Design/Builder submitted a proposal in the amount of \$12,800,000, for the recommendations listed above; and

**WHEREAS**, based on the Design Criteria Professional's recommendations, the following items should be considered:

1. An analysis of pre and post storm measurements and conditions, depicting the results of the improvements. This would consist of an analysis modeling the existing storm drainage system and comparing it to an analysis that models the storm drainage of the same area but with the implementation of the 10 year storm design proposed, which



includes additional pump stations, the increased pipe sizing and all other new, added components to determine the different volumes of stormwater evacuated by the improvements, for a cost of \$30,000;

2. An additional two (2), 20,000 GPM pumps and associated structures to be added to the proposed Lincoln Road Pump Station, including the associated increases in valve sizes, piping, electrical upgrades, generator upsizing, increased platform and all other associated improvements, for a cost of \$3,319,000; and

**WHEREAS**, the Design/Builder submitted a proposal for additional scope in the amount of \$3,349,000; and

**WHEREAS**, this Change Order No. 3, for the West Avenue Phase II Improvements North of 14th Street Project, will include additional design and construction services associated with the recommendations by the Resiliency Accelerator Program, other elements added by the Design Criteria Professional and Design/Builder costs in the not-to-exceed amount of \$12,800,000, plus 10% owner's contingency in the amount of \$1,280,000 for a total of \$14,080,000; and

**WHEREAS**, the recommended additional scope, including additional pump capacity and pre and post stormwater analysis, is in the not-to-exceed amount of \$3,349,000, plus 10% owner's contingency in the amount of \$334,900, for a total of \$3,683,900; and

**WHEREAS**, the total not-to-exceed amount for this Change Order, including additional scope and contingency, will be \$17,763,900; and

**WHEREAS**, this Change Order will increase the existing \$32,940,276 contract with Ric-Man Construction to \$50,704,176, including contingency; and

**WHEREAS**, the Design/Builder has submitted this not-to-exceed cost proposal, which was reviewed and analyzed by CIP, Environment and Sustainability and the Public Works Departments and was found to be of an acceptable order of magnitude considering the complex logistics of construction; and

**WHEREAS**, this Change Order No. 3 is subject to and contingent upon funding availability and an appropriation of funds at the City Commission's sole and absolute discretion, with such funding to be addressed as part of a future Capital Budget Amendment to be considered on December 12, 2018; and

**WHEREAS**, potential funding sources could include Water and Sewer Bonds, Stormwater Bonds, the County's Interlocal Agreement funds, or other funds.

**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 approve and authorize the City Manager to negotiate Change Order No. 3 to the Design/Build Agreement between the City of Miami beach, Florida, and Ric-Man Construction Florida, Inc., for the West Avenue Phase II Improvements North of 14th Street Project, for (1) additional design and construction services, including but not limited to those associated with the recommendations by the Resiliency Accelerator Program, for a not-to-exceed amount of \$12,800,000, plus 10% Owner's Contingency in the amount of \$1,280,000; an (2) recommended additional scope, including additional pump capacity and pre and post stormwater analysis, in the not-to-exceed amount of \$3,349,000, plus 10% Owner's Contingency in the amount of \$334,900; for a total contract value of of \$17,763,900, including

Owner's contingency; further, providing that a portion of Change Order No. 3, in the amount of \$8,503,753.49, shall be funded with previously appropriated funds, and the remaining balance of Change Order No. 3, in the amount of \$9,260,146.51, shall be subject to and contingent upon an appropriation of funds at the City Commission's sole discretion, via a capital budget amendment to be considered at the December 12, 2018 City Commission meeting, and further, if any such budget amendment is approved, authorizing the Mayor and City Clerk to execute the final negotiated Change order No. 3.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Dan Gelber, Mayor

**ATTEST:**

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Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

*Rafael Granado*      11/30/18  
City Attorney      *RAP*      Date