

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 CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT, BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND V ENGINEERING & CONSULTING CORP., FOR CONSTRUCTION SERVICES FOR THE RUE VENDOME PLAZA PROJECT, IN THE AMOUNT OF 171,736.84, PLUS TEN PERCENT CONTINGENCY IN THE AMOUNT OF \$17,173.68; FOR A GRAND TOTAL OF \$188,910.52; AND GRANTING THE CONTRACTOR A TIME EXTENSION OF TWO HUNDRED SEVENTY SIX (276) CALENDAR DAYS SUBJECT TO AND CONTINGENT UPON APPROVAL OF THE SECOND AMENDMENT TO THE FY20/21 CAPITAL BUDGET.

WHEREAS, in 2017, the City commissioned a professional engineering consultant for the design of a pedestrian plaza at Rue Vendome, which includes the removal of the existing asphalt paving, concrete curb and gutters, adjacent sidewalks and walkways, up to and surrounding the fountain, and raising the area using new white concrete pavement, and permeable pavers; and

WHEREAS, oolite stone benches, steps, and ramps have been designed to harmonize the elevated plaza with adjacent commercial properties to the west and the existing landscaping will be supplemented with new shade trees, shrubs and ground cover throughout the space and new lighting at the plaza shall be provided, to facilitate decorative lights and future artistic displays. Benches, trash and recycle receptacles are also included; and

WHEREAS, on September 11, 2019, the Mayor and City Commission approved the City Manager's recommendation pertaining to the bids received pursuant to ITB 2019-296-DF and V Engineering & Consulting Corp. (VEC) was selected as the general contractor for Rue Vendome with a contract amount of \$1,684,025.00, plus ten percent contingency in the amount of \$168,402.50, for a grand total of \$1,852,427.50; and

WHEREAS, on March 5, 2020, upon receipt of permits from the City, FDOT, Miami-Dade County DERM, construction for the new public plaza began; and

WHEREAS, on April 13, 2020, after the commencement of construction, FDOT notified the City that the subject public Right of Way (ROW), Rue Vendome between 71st Street and Normandy Drive, belonged to FDOT, and voided all previously approved permits for construction within the ROW on 71ST Street and Normandy Drive; and

WHEREAS, a transfer of the ROW, on that portion of Rue Vendome, from FDOT to the City of Miami Beach, was required as a condition for the re-issuance of permits and on May 13, 2020, the Mayor and City Commission adopted a Resolution No. 2020-31254 approving and authorizing the City Manager to accept the transfer of the ROW from FDOT to the City; and

WHEREAS, in executing the transfer, FDOT requested that the City grant FDOT three separate perpetual easement areas, located along the North side of the intersection of 71st Street and Rue Vendome, where several traffic signal infrastructure boxes are located above and below ground; and

WHEREAS, FDOT is responsible for the maintenance of these traffic signals and therefore requires perpetual access for maintenance purposes and on September 16, 2020, the Mayor and

Commission adopted Resolution No. 2020-31385 approving and authorizing the Mayor and City Clerk to execute the requested perpetual easement in favor of FDOT; and

WHEREAS, subsequently, FDOT presented a Maintenance Memorandum of Agreement (MMA) to the City, whereby the City would accept full maintenance responsibility for the area and on October 14, 2020, the Mayor and City Commission adopted Resolution No. 2020-31448 approving and authorizing the Mayor and City Clerk to execute the MMA; and

WHEREAS, the documents for the transfer of the right of way; for the granting of the easement; and for the maintenance memorandum of agreement have all been executed and recorded and on December 4, 2020, eight (8) months after voiding the permits, FDOT reissued the Construction Agreement (permit), once again approving the proposed scope of work, and allowing the contractor to resume construction activities in the FDOT ROW; and

WHEREAS, additional work has also been identified during construction, as necessary for the successful completion of the project; and

WHEREAS, these include replacing the malfunctioning existing fountain pump and filtration equipment, the fountain electrical control panel, providing the additional components required for a complete security system, harmonization with adjacent properties, and rerouting the drainage lines from the existing pump station; and

WHEREAS, the additional scope will expend the majority of the \$168,402.50 contingency previously approved for the project; and

WHEREAS, on April 21, 2020, V-Engineering & Consulting Corp. (VEC) advised the City, that it had uncovered two unforeseen FPL duct banks that were in conflict with the proposed work and further excavations exposed large water piping within the proposed work area which conflicted with the proposed location of the new PVC drainage pipes; and

WHEREAS, the resolution of the conflicts warranted the revision of the permit documents to reroute the related drainage pipes, and provide two additional drainage structures and VEC has submitted a proposal for the \$44,522.84 cost (Exhibit A) of the changes in the drainage design; and

WHEREAS, on December 4, 2020, VEC submitted a request for an extension of the General Requirements of the contract, related to all additional and revised scope to date, and changes in the sequencing and scheduling of work within the FDOT ROW, in the amount of \$127,214 (Exhibit B); and

WHEREAS, the transfer of the ROW from FDOT to the City, and the voiding of all applicable permits, prevented the contractor from performing work or connecting to utilities within the FDOT ROW and the eight month period required for resolution of the FDOT issues, extended beyond the scheduled four months duration for construction; and

WHEREAS, the request for the extension of the General Requirements includes the cost of maintaining the project manager, superintendent, insurance, bonding, waste removal and fencing, associated with all identified additional scope of work to date, and the additional time required to complete the work within the FDOT ROW; and

WHEREAS, the total of the proposals from V Engineering & Consulting Corp., \$171,736.84, for additional construction services related to the drainage conflicts, and for the extended general requirements, exceeds the remaining project contingency; and

WHEREAS, the time required to complete the additional work related to the drainage conflicts, and to perform the work delayed by the FDOT issues, will run beyond the contract time and accordingly, VEC has submitted a request for a Two Hundred Seventy Six (276) day extension (Exhibit C); and

WHEREAS, City staff and project consultant, Schwebke Shiskin, reviewed the proposals for scope, price, and time requested, and found the scope of work and time consistent with the additional scope of work, and project delays, to be fair and reasonable and the Administration recommends acceptance of the proposal; and

WHEREAS, upon approval of this Change Order No.1, in the amount of \$188,910.52 (171,736.84 plus 10% contingency), the contractor shall be granted a time extension of Two Hundred Seventy Six (276) calendar days for the additional scope of work, and the contract shall be increased to a new total of \$2,041,338.02; and

WHEREAS, the Administration recommends that the City Commission approve the Resolution, subject to the approval of the Second Amendment to the FY20/21 Capital Budget Amendment.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA approving and authorizing the Mayor and City Clerk to execute Change Order No. 1 to the construction contract, between the City of Miami Beach, Florida and V Engineering & Consulting Corp., for construction services for the Rue Vendome Plaza project, in the amount of \$171,736.84 plus ten percent contingency in the amount of \$17,173.68, for a grand total of \$188,910.52, and granting the contractor a time extension of two hundred seventy six (276) calendar days subject to and contingent upon approval of the second amendment to the FY20/21 capital budget.

PASSED and ADOPTED this ____ day of _____, 2021.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**



City Attorney



Date