

**AMENDMENT NO. 1
TO THE PROFESSIONAL ARCHITECTURAL
AND
ENGINEERING (A/E) SERVICES AGREEMENT
BETWEEN THE CITY OF MIAMI BEACH, FLORIDA
AND
JAMES CORNER FIELD OPERATIONS, L.L.C.
DATED JUNE 23, 2016**

**FOR THE PROVISION OF ADDITIONAL PROFESSIONAL ARCHITECTURAL AND
ENGINEERING SERVICES FOR THE LINCOLN ROAD DISTRICT IMPROVEMENTS
PROJECT IN THE AMOUNT OF \$1,274,000**

This Amendment No. 1 to the Agreement made and entered this ____day of _____, 2017, by and between the CITY OF MIAMI BEACH, a municipal corporation existing under the laws of the State of Florida (hereinafter referred to as City), having its principal offices at 1700 Convention Center Drive, Miami Beach, Florida 33139, and JAMES CORNER FIELD OPERATIONS, L.L.C. a Pennsylvania Limited Liability Company having its principal office at 475 10th Avenue, 9th Floor, New York, NY 10018 (hereinafter referred to as Consultant).

RECITALS

WHEREAS, pursuant to Request for Qualifications (RFQ) No. 2015-245-KB, the Mayor and City Commission adopted Resolution No. 2016-29319 on June 23, 2016, approving and authorizing the Mayor and City Clerk to execute an Agreement with James Corner Field Operations, L.L.C. for Professional Architecture and Engineering Services for the Lincoln Road District Improvements Project (the Agreement); and

WHEREAS, the Agreement provides for the architectural, engineering, landscape architecture, surveying, infrastructure, limited historic preservation, signage and wayfinding, cost estimating, and permitting as necessary for the Project, including the design, bidding and award services, and construction administration of the Lincoln Road District Improvements; and

WHEREAS, the Agreement was executed for a lump sum amount of \$3,861,000; and

WHEREAS, the following Amendment No. 1 to the Agreement is for the provision of additional architectural and engineering design services for the Lincoln Road design to be advanced to comply with the vision of the Lincoln Road Master Plan, in the lump sum amount of \$799,000; and

WHEREAS, the following Amendment No. 1 to the Agreement is for additional architectural and engineering design services to incorporate a security barrier system (safety bollards) along the pedestrian portions of Lincoln Road Project, in the lump sum amount of \$75,000; and

WHEREAS, the following Amendment No. 1 to the Agreement is for additional architectural and engineering design services to extend the scope of the Project to include the implementation of the Lincoln Road Master Plan proposal for Lincoln Road Mall from Washington Avenue to Collins Avenue (200-300 Block), in the not-to-exceed amount of \$400,000; and

WHEREAS, the proposal from Consultant, totaling \$1,274,000, was reviewed and found to be fair and reasonable; and

WHEREAS, this Amendment No. 1 to the Agreement will revise the total contract sum to the not-to-exceed total amount of \$5,135,000.

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. 1.

2. MODIFICATIONS

The Agreement is amended as defined in Schedule "A-1" and Article 4.1 revisions, attached herein.

Article 4.1 shall be revised to read as follows: The City has established the Construction Cost Budget of \$43 Million for the Project, inclusive of the Lincoln Road Pedestrian Mall and Connectors. This amount does not account for the security barrier system. Consultant shall design the Project so that the Construction Cost Budget for the Project is not exceeded. As part of the Basic Services, Consultant shall design and/or re-design the Project to the Construction Cost Budget in accordance with this Article 4, making all revisions necessary to maintain the Construction Cost Budget. Consultant shall attend meetings with the City to review and discuss cost estimates, cost-saving alternatives, and implementation or revision of the Design Documents and Construction Documents to address such items, as necessary to meet the established budget parameters set forth in the City Construction Budget.

3. OTHER PROVISIONS.

All other provisions of the Agreement, as amended, are unchanged.

4. RATIFICATION.

The City and Consultant ratify the terms of the Agreement, as amended by this Amendment No. 1.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 1 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

Philip Levine, Mayor

ATTEST:

CONSULTANT:
JAMES CORNER FIELD OPERATIONS, L.L.C.

Isabel Castilla

James Corner, President

SCHEDULE "A - 1"

SCOPE OF SERVICES

Schedule "A" entitled, "Scope of Services", is amended as follows:

Revise the following under I. GENERAL

The scope of services included herein is as follows:

- B. Project Limits – The project limits under Phase 1 are now increased to include the 200 and 300 Blocks (from Washington Avenue to Collins Avenue) along Lincoln Road Pedestrian Mall.

Phase 1 is now to read as follows:

Phase 1 will encompass improvements along the Lincoln Road pedestrian mall from Lenox Avenue (1000 Block) to Collins Avenue (200-300 Block), including connection from Lincoln Road to 17th Street along Drexel, Pennsylvania, and Meridian, improvements to Drexel Avenue from Lincoln Road to 17th Street including closure to traffic and pedestrainization of this portion of Drexel Avenue (with modifications to Drexel Ave., south of Lincoln Road pedestrian mall towards 16th Street as necessary to address any altered traffic patterns due to pedestrianization of Drexel Avenue).

Phase 2 will encompass Lincoln Lane North and South from Lenox Avenue (1000 Block) to Washington Avenue (400 Block) inclusive of connecting thoroughfares not included in Phase 1 at Lenox, Michigan, and Euclid Avenues, and Lincoln Road between Alton and West Avenues.

- C. General Services
 - 31. security barrier system (safety bollards) along the pedestrian portion of Lincoln Road Mall and Drexel Avenue

Please refer to the attached proposal for breakdown of anticipated effort. JCFO proposes to perform the above-noted services for a not-to-exceed fee of \$1,274,000.

PAYMENT AND COMPENSATION

The total fee proposed for this Scope of Work is a not-to-exceed amount of \$1,274,000 (refer to Exhibit A-1 attached herein).

- Original Agreement amount \$3,861,000.
- Amendment No. 1: For the provision of additional architectural and engineering services associated with the expanded scope to meet the proposals included in the Lincoln Road Master Plan in the lump sum amount of \$799,000, the inclusion of security barrier system in the lump sum amount of \$75,000, and the extension of the Project scope to include Lincoln Road Mall from Washington Avenue to Collins Avenue, in the not-to-exceed amount of \$400,000.
- Revised Agreement amount \$5,135,000.

City of Miami Beach
Capital Improvement Projects Office
1700 Convention Center Drive,
Miami Beach, FL 33139

Att. Mr. Gomez and Mr. Lopez Medina

Project: 1605 – Lincoln Road District Improvements
Re: **Additional Scope of Work and Contract Reevaluation
Additional Service #1**

01.24.2017

Dear Mr. Gomez and Mr. Lopez Medina

I am submitting a request for approval for the above-referenced additional services and associated amendment of the agreement between the City of Miami Beach and James Corner Field Operations LLC for professional architectural and engineering services for the Lincoln Road District Project dated of June 23, 2016.

PROPOSAL DESCRIPTION

This proposal includes Design Team fees for additional services associated with the following items:

- A. Budget and Contract Reevaluation in response to the Finance and Citywide Projects Committee of the City of Miami Beach recommendation that the Lincoln Road Designs be advanced to match the proposals included on the Master Plan and the Construction Budget be increased accordingly.
- B. Request to include anti-ram vehicle barriers (safety bollards) along the pedestrian portion of Lincoln Road and Drexel Avenue.
- C. Request extend the Lincoln Road Improvements scope to include the implementation of the Master Plan proposals for Lincoln Road from Washington Ave to Collins Ave (200-300 blocks).

PROPOSAL SCOPE

A. Budget and Contract Reevaluation

Description:

James Corner Field Operations' scope of work included as part of the Prime Agreement dated of June 23, 2016 encompassed the design of Phase 1 of the Lincoln Road District Improvements assuming components of the Master Plan scope equivalent to \$22,486,651 in construction costs and a design fee of 15.56%.

After demonstrating the allocated budget will not cover a large part of the proposed Master Plan improvements for Lincoln Road, on October 28th, the Finance and Citywide Projects Committee of the City of Miami Beach voted to recommend the Lincoln Road District designs be advanced to match the proposals included on the Master Plan and the Construction Budget be increased accordingly.

The Master Plan's order of magnitude cost estimate completed on August of 2016 estimated improvements for Lincoln Road, Meridian, Drexel and Pennsylvania Avenues at \$38,983,962 in construction costs. Against this budget, the current design fees are equivalent to 8.9%, below the industry standard for a project of this nature especially considering that these fees include both design services and construction administration through the duration of Phase 1 of the project.

Proposed Add-Service and Contract Amendment:

Given the Commission's recent direction, James Corner Field Operations is requesting a re-evaluation of the current contract and fee resources based on points outlined on the memo submitted to the City on November 14th, 2016 revised on January 24, 2017 and included on this proposal as an attachment.

B. Anti-ram Vehicle Barrier Risk Assessment and Mitigation Strategies

Description:

The City of Miami Beach Capital Improvement Project Office requested JCFO and their sub consultants incorporate anti-ram vehicle barriers (safety bollards) along the pedestrian portion of Lincoln Road and the proposed pedestrianized portion of Drexel Avenue as an anti-terrorism measure.

Proposed Add-Service:

Task B1- Risk Assessment

In order to establish the proper and most effective placement of anti-ram vehicle barriers (safety bollards), JCFO recommends a risk assessment study is developed by a specialized engineer. The scope of work for this study will include the following:

- **Vehicle Vector Study**
The study will determine the approach speeds of both a sedan and truck to the pedestrian portion of Lincoln Road from Washington Ave to Alton Road and well as the proposed pedestrianized portion of Drexel Ave from Lincoln Lane South to Lincoln Lane North. There are nine (9) cross street with sixteen (16) potential entrance points from the mapped roads. This study will result in establishing the maximum credible attack speed with the current road geometry.
- Review the available existing underground utility survey and proposed underground utility layout for each intersection, identify potential subgrade interference and potential conflicts with future security barriers. Test pits may be required depending on the available information.
- Provide a summary of types of anti-ram vehicle barriers and pros and cons, based on the engineer's experience designing anti-ram perimeters.
- One trip to the site including a meeting with the City to discuss the study and recommendations.

Task B2- Implementation

Following the recommendation of the Risk Assessment Analysis, JCFO and their sub consultants will develop construction drawings and specifications to incorporate the anti-ram vehicle barriers (safety bollards) into the Lincoln Road Improvements final construction documents including areas from Washington Ave to Lenox Ave and Drexel Avenue from Lincoln Lane North to Lincoln Lane South.

Upon the City's direction, JCFO and their sub consultants can also prepare documents to incorporate the recommended anti-ram vehicle barriers (safety bollards) on the 1100 block between Lenox Ave and Alton Road.

The fee proposal for this scope assumes the bollards will be off-the-shelf products engineered by the manufacturer based on the City's approved vehicle impact ratings. Design and engineering of custom vehicle deterrents is not anticipated in the proposed fee.

It is assumed that construction costs for the implementation of bollards will be in addition to the current project budget.

C. Extension to 200-300 blocks

Description:

The City of Miami Beach Capital Improvement Project Office requested the Lincoln Road Improvements scope of work be extended in order to include the implementation of the Master Plan proposals for Lincoln Road from Washington Ave to Collins Ave (200-300 blocks).

Proposed Add-Service

JCFO and their sub consultants will advance the master plan design proposals for these two additional blocks with the ultimate goal to include this additional scope in the Lincoln Road Improvements final construction document set, including drawings and specifications. The design will include the intersection at Collins Ave and Lincoln Road.

The fee proposal for this scope anticipates additional topographic, underground utility and existing tree surveys, cost estimating for SD and DD drawing sets, a traffic study to support the design proposal, design services for traffic, civil and MEP engineering, landscape architecture including paving, street furniture and planting, irrigation, wayfinding and lighting as well as construction administration services assuming implementation at the same time as the rest of Lincoln Road.

It is assumed that construction costs for the implementation improvements on these blocks will be in addition to the current project budget.

SCHEDULE

A detailed schedule for the development of items B and C will be provided subsequent to this proposal however, it is anticipated that permitting and final construction documents will be completed in conjunction with the rest of the current Lincoln Road District Improvement Scope.

PROPOSAL FEE

The fees for items A, B and C are included on the fee breakdown below. Fees include JCFO and sub consultant fees as well as associated expenses. Please refer to tables A, B and C for a full breakdown of each fee.

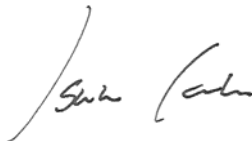
Item	Description	Lump Sum Fee
A	Budget and Contract Reevaluation	\$799,000.00 USD
B	Anti-ram Vehicle Barrier Risk Assessment and Mitigation Strategies	\$75,000.00 USD
	TOTAL LUMP SUM	\$874,000.00 USD
		Allowance not to exceed
C	Extension to 200-300 blocks	\$400,000.00 USD
	TOTAL ALLOWANCE NOT TO EXCEED	\$400,000.00 USD
	GRAN TOTAL NOT TO EXCEED	\$1,274,000 USD

Attachments:

- 1- Budget and Contract Reevaluation memo submitted to the City on November 14th, 2016 revised on January 24, 2017.
- 2- Tables A, B and C fee breakdowns.

We appreciate your review of this proposal.

Sincerely,



Isabel Castilla Principal, James Corner Field Operations

MEMO

TO: Diego M. Lopez Medina and David Gomez

CC: James Corner, Lisa Switkin

FROM: Isabel Castilla

DATE: November 14th, 2016 (Revised January 24, 2017)

RE: Lincoln Road District Improvements – Budget and Contract Reevaluation

Mr. Lopez Medina and Mr. Gomez-

James Corner Field Operations' scope of work included as part of the Prime Agreement dated of June 23, 2016 encompassed the design of Phase 1 of the Lincoln Road District Improvements assuming components of the Master Plan scope equivalent to \$22,486,651 in construction costs and a design fee of 15.56%¹.

After demonstrating the allocated budget will not cover a large part of the proposed Master Plan improvements for Lincoln Road, on October 28th, the Finance and Citywide Projects Committee of the City of Miami Beach voted to recommend the Lincoln Road District designs be advanced to match the proposals included on the Master Plan and the Construction Budget be increased accordingly.

The Master Plan's order of magnitude cost estimate completed on August of 2016 estimated improvements for Lincoln Road, Meridian, Drexel and Pennsylvania at \$38,983,962 in construction costs. Against this budget, the current design fees are equivalent to 8.9%, below the industry standard for a project of this nature especially considering that these fees include both design services and construction administration through the duration of Phase 1 of the project.

Given the Commission's recent direction, James Corner Field Operations is requesting a re-evaluation of the current contract and fee resources based on points outlined below.

1. Add-alternates

Current Agreement Schedule B Consultant Compensation

Consultant Compensation included add-alternate fees for (1) the design and programming of an interactive directory and visitor guide and (2) for the pedestrianization of Drexel Avenue including, design, engineering and a traffic studies.

Proposed Adjustment

Both of these are key elements of the Master Plan therefore we request the approval of the fees associated with these add-alternates, totaling \$371,000 in order to meet the Commission's directive.

Please refer to Schedule B of the current contract and attached fee table.

2. Value Engineering Studies

Current Agreement Schedule A Scope of Services Exclusion #14

On August 29th, 2016, the City of Miami Beach provided the Design Team a notice to proceed on Task 2A (Phase 1 Schematic Design) with a directive to perform value engineering studies in order to meet the current construction budget of \$14.05M allocated for Lincoln Road. Over the course of 7 weeks, JCFO along with some of their sub consultants developed various design studies to value engineer Lincoln Road's improvements targeting the \$14.05M Construction Budget allocated for this area.

¹ Fee includes design and construction administration services as well as travel and printing expenses but does include add-alternates. Construction costs do not include costs and fees associated with infrastructure work.

Proposed Adjustment

Work equivalent to four weeks of full time staffing was dedicated to value engineering studies that are now obsolete. Given the recent change in direction, we request compensation for this additional time and effort as outlined on attached table and based on a monthly rate for SD established on the invoicing schedule.

3. Budget Presentation to Finance and Citywide Projects Committee

Current Agreement Schedule A- Scope of Services

Item #2 listed under exclusions, states meetings and presentations beyond those listed in the scope of work and Schedule K- meeting schedule, are excluded. The scope of work also anticipated two trips during task 2:

Trip #2 completed on October 10th to 12th

Trip #3 to be completed at the end of the task and to include community, block by block, stakeholder and city staff meetings.

Proposed Adjustment

Per the City's request, JCFO traveled to Miami on October 28th to present the budget and VE studies to the Finance and Citywide Projects Committee. Given this trip and presentation were not anticipated as part of the current scope of work, JCFO is requesting a compensation of \$4,640 for time spent in preparation of materials for this meeting, travel and presentation time and well a reimbursement for the incurred travel expenses totaling \$750.

4. Contract Terms and Establishment of Project Costs

Current Agreement Article 4- Responsibility for Project Costs

Article 4 establishes the Consultant's responsibility to design the Project so that the Construction Cost Budget does not exceed that outlined on Schedule D- Construction Cost Budget or \$22,486,651. This article requires the redesign of the Project if after each cost estimate, the estimate exceeds the stated percentage based on each phase of design and if the base bid exceeds the Construction Cost Budget by more than 10%.

Proposed Adjustment

JCFO suggests the responsibility stated under this clause related to a Construction Budget of \$22.4M is revised for the Schematic Design task (Task 2A). Schematic Design will be developed following the Master Plan schemes estimated in August of 2016 at \$38.9M. We also suggest the City consider establishing a new Construction Cost Budget to serve as a reference for this Article based on the reconciled Schematic Design cost estimates developed by the Consultant's estimator and Project's Construction Manager at the end of the Schematic Design period.

5. Project Schedule

Current Agreement Schedule E- Project Schedule

The project schedule outlined a Task2A duration of 12 weeks of design followed by 5 weeks of cost estimating and review. To date, 7 weeks have been dedicated to Schematic Design followed by four weeks where the majority of the work has been suspended to allow for the City's evaluation of the current scope and budget.

We estimate four of the seven weeks of completed design work were dedicated to VE studies that are no longer applicable to the project.

Proposed Adjustment

We propose the project schedule be re-adjusted as outlined on the attached revised schedule table assuming a start date of November 14th, 2016 and a total 8 week schedule increase accounting for 4 weeks of redesign work and 4 weeks of suspended work.

6. Fee Re-evaluation Request

The Master Plan's order of magnitude cost estimate completed on August of 2016 estimated improvements at \$38,983,962 in construction costs. Against this budget, the current design fees, which

include both design and construction administration services are equivalent to 8.44%, significantly below the industry standard for a project of this nature.

James Corner Field Operations is requesting a re-evaluation of the current fee resources and an increase of \$324,652 in fees in order to increase the design and construction administration fees to a total of 11% against the \$38.9M estimated costs. This percentage is within the lowest end of standard industry practice for a project of this nature and includes both design and construction administration services. This increase in fee anticipates additional fees for JCFO and their subconsultants and includes fees associated with all design tasks as well as Construction Administration fees.

The fee increase request considers the inclusion of previously agreed to add-alternate fees for (1) the design and programming of an interactive directory and visitor guide and for (2) the pedestrianization of Drexel Avenue as outlined on Schedule B of the current contract as well as additional fees requested for items #2 and #3 described above.

We appreciate your review of this request.

TABLE A- Budget and Contract Reevaluation

Project Lincoln Road District Improvements
Phase Phase 1
Date 11/9/2016 (revised 01/24/2017)

	Design Fee	% against \$22.4M CB*	% against \$38.98M CB**
CURRENT DESIGN FEES	\$ 3,500,000	15.56%	8.98%
ADDITIONAL FEES			
ADD ALTERNATES			
Add-Alt #1 Interactive Directory and Visitor Guide			
	TOTAL \$ 86,000		
Add-Alt #2 Pedestrianization of Drexel			
	TOTAL \$ 285,000		
ADD ALTERNATE GRAND TOTAL \$ 371,000			
VALUE ENGINEERING STUDIES			
JCFO	\$ 95,333		
Chen Moore	\$ 2,625		
CHANGES IN DIRECTION TOTAL \$ 97,958			
PRESENTATION TO FINANCE AND CITYWIDE PROJECTS COMMITTEE			
JCFO	\$ 4,640		
travel expenses	\$ 750		
PRESENTATION TOTAL \$ 5,390			
FEE RE-EVALUATION			
TOTAL \$ 324,652			
TOTAL ADDITIONAL FEES - LUMP SUM	\$ 799,000		
REVISED FEE GRAND TOTAL	\$ 4,299,000		11.03%

Notes:

* Total construction budget provided by the CMB as stated on Schedule D of June 23,2016 Prime Agreement

** Total estimated construction budget for Areas A, and B per August 3, 2016 Order of Magnitude Cost Estimate based on Master Plan designs.

TABLE B- Anti-ram Vehicle Barrier Risk Assessment and Mitigation Strategies

Project Lincoln Road District Improvements
Phase Phase 1
Date 1/24/2017

DISCIPLINE	TOTALS
Task B1- Risk Assessment	
THORNTON TOMASETTI	\$35,000.00
Risk Assessment and Engineering	
Task B2- Implementation	
FIELD OPERATIONS	\$10,000.00
Project Lead / Landscape Architecture / Urban Design / Public Engagement	
ENGINEERING ALLOWANCE	\$10,000.00
TOTAL LUMP SUM	\$55,000.00
Add-Alternate	
Implementation of bollards on the 1100 block	\$20,000.00
GRAND TOTAL	\$75,000.00

TABLE C-Extension to 200-300 blocks

Project Lincoln Road District Improvements
Phase Phase 1
Date 1/24/2017

DISCIPLINE	TOTALS
FIELD OPERATIONS Project Lead / Landscape Architecture / Urban Design / Public Engagement	\$200,000.00
RODRIGUEZ & QUIROGA Historic Restoration	\$0.00
KIMLEY-HORN Above Ground Civil Engineering, Traffic and Transportation Engineering	\$100,000.00
ROBERT SILMAN ASSOCIATES Structural Engineering	\$0.00
JALRW MEP Engineering	\$15,000.00
CHEN MOORE & ASSOCIATES Local LA, Irrigation, Code Consulting	\$10,000.00
TROPICAL DESIGNS OF FLORIDA Horticulture & Arborist	\$2,000.00
PENTAGRAM Signage & Identity	\$10,000.00
HLB LIGHTING DESIGN Lighting Design	\$15,000.00
DELTA FOUNTAINS Water Feature Design & Engineering	\$0.00
CRAUL LAND SCIENTISTS Urban Soils	\$0.00
BISCAYNE ENGINEERING Above-grade Surveying- Phase 1 Only	\$17,000.00
CMS INC. Cost Estimating- Phase 1 only	\$16,000.00
INFRAMAP utility survey	\$15,000.00
TOTAL ALLOWANCE NOT-TO-EXCEED	\$ 400,000.00