

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 AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH RIBBECK ENGINEERING, APPROVED PURSUANT TO RESOLUTION NO. 2016-29456, FOR THE PROJECT; SAID AMENDMENT IN THE AMOUNT OF \$863,171.92 PLUS A \$86,317.19 CONTINGENCY, FOR A TOTAL AMOUNT OF \$949,489.11, TO PROVIDE FOR THE PREPARATION OF A SET OF 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, in furtherance of the initiative to protect residents from tidal flooding within the City of Miami Beach, the Public Works Department is requesting an additional scope of work from Ribbeck Engineering, Inc., 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; the 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 interim construction plans are required in order to construct a 72" main trunk along Indian Creek Drive, as well as to provide drainage improvements along the aforementioned side streets, by upsizing the existing drainage lines to 24 inches, and the design of pump station structure will also be part of the interim plans; and

WHEREAS, the cost proposal is in the amount of \$863,171.92 for the preparation of interim construction plans, plus a contingency of ten percent (10%) (\$86,317.19) that has been added, for a total amount of \$949,489.11; and

WHEREAS, a scope of work has been provided and is attached as Exhibit 1 to the Commission Memorandum accompanying this Resolution, along with the proposed hours of effort for the work, attached as Exhibit 2 thereto, and providing that Ribbeck Engineering and subcontractors will perform the work under the same hourly rates and percentages for overhead and profit as their contract with FDOT; and

WHEREAS, due to the foregoing tidal flooding conditions and the urgent need for 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 a public emergency exists 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, pursuant to the City's cost sharing agreement with FDOT for the Project, FDOT has provided the City with notice of its concurrence to use of FDOT funds for its portion of the costs associated with the scope of work that Ribbeck Engineering will perform under Amendment No. 1 and, if this Resolution is adopted, the City will submit to FDOT the requisite compliance certifications to FDOT, pursuant to the Agreement's terms.

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 Amendment No. 1 to the Professional Services Agreement with Ribbeck Engineering, approved pursuant to Resolution No. 2016-29456, for the Project; said Amendment in the amount of \$863,171.92 plus a \$86,317.19 contingency, for a total amount of \$949,489.11, to provide for the preparation of a set of 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 ____ day of April, 2017.

ATTEST:

Mayor Philip Levine

Rafael Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

22061 4-24-17
City Attorney RAP Date