

**Condensed Title:**

A resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and authorizing the Mayor and the City Clerk to execute Amendment No. 9 to the agreement between the City and EDAW, Inc., in an amount not to exceed \$63,247, for the provision of additional permitting associated with the coastal construction control line and for professional services associated with construction management and resident project representation services, and approving the use of funds, in the amount of \$63,247, for the amendment, with funding from previously appropriated 2003 General Obligation Bond Fund 384, allocated for Construction in account 384-2340-069357 and to be re-allocated to design account 384-2340-061357 for the Oceanfront neighborhood.

**Key Intended Outcome Supported:**

To ensure well designed quality Capital Projects To ensure critical elements of the Project are being complied with, and that the general intent of the construction documents are being met.

**Supporting Data (Surveys, Environmental Scan, etc.):**

Residents of middle beach rated 87% as excellent or good the first phase of the completed Oceanfront Neighborhood Improvement Project.

**Issue:**

Should the City Commission approve the Amendment?

**Item Summary/Recommendation:**

EDAW, Inc. (Consultant) has completed the design portion of the Oceanfront ROW Project (Project). Consultant has delivered 100% construction documents and the necessary permits have been obtained to begin construction. A Job Order Contracting (JOC) was awarded to Tran International, Inc., one of the City's approved JOC contractors on 9/29/2006 for construction of Phase 1 (east of Collins Avenue). The CIP Office (CIP) has negotiated a fee of \$63,247 with Consultant to provide additional permitting associated with the coastal construction control line and for professional services associated with construction management and resident project representation services for the Project during the warranty period for warranty items being claim against the contractor; as well as to coordinate construction sequencing and finalize review to construction document drawings submitted by developers; prepare drawings and review contractor's proposal for added developer streets; provide coordination between the contractor and FPL to finalize electrical connections and energize lighting system; attend meetings to review construction proposal; and attend meetings with City and Developers to review drawings and ensure they comply with the Oceanfront improvement specifications. Upon Commission approval of this resolution, CIP will execute the appropriate contract amendment with Consultant.

**Advisory Board Recommendation:**

N/A.

**Financial Information:**

Source of Funds:	Amount	Account
1	\$63,247	384-2340-069357 to account 384-2340-061357
2		
3		
<b>Total</b>	<b>\$63,247</b>	

**Financial Impact Summary:**

**City Clerk's Office Legislative Tracking:**

Aurelio J. Carmenates, P.E., CIP Office

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
JECH	TH	JMG

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# MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

## COMMISSION MEMORANDUM

TO: Mayor Matti Herrera Bower and Members of the City Commission

FROM: Jorge M. Gonzalez, City Manager

DATE: December 10, 2008

SUBJECT: **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AMENDMENT NO. 9 TO THE AGREEMENT BETWEEN THE CITY AND EDAP, INC., IN AN AMOUNT NOT TO EXCEED \$63,247, FOR ADDITIONAL PERMITTING ASSOCIATED WITH THE COASTAL CONSTRUCTION CONTROL LINE AND FOR ADDITIONAL RESIDENT PROJECT REPRESENTATIVE / CONSTRUCTION ADMINISTRATION SERVICES FOR CONSTRUCTION OF PHASE 1 (EAST OF COLLINS AVENUE) WITHIN THE RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENTS PROGRAM NEIGHBORHOOD NO. 6 – OCEANFRONT PROJECT; WITH FUNDING FROM PREVIOUSLY APPROPRIATED 2003 GENERAL OBLIGATION BOND FUND 384, ALLOCATED FOR CONSTRUCTION IN ACCOUNT 384-2340-069357 AND TO BE RE-ALLOCATED TO DESIGN ACCOUNT 384-2340-061357.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### FUNDING

Funding, in the amount of \$63,247, is available from previously appropriated 2003 GO Bonds Fund 384, allocated for Construction in account number 384-2340-069357 to be re-allocated for Design into account number 384-2340-061357.

### ANALYSIS

The Oceanfront Neighborhood Right-of-Way (ROW) Project is one of the components of the City's Neighborhood ROW Infrastructure Improvements Program (the Project). The Design was completed and 100% plans were submitted by EDAP, Inc., (EDAP), the consultant, on July 10, 2006. A Job Order Contracting (JOC) proposal was executed with Tran International, Inc. on September 29, 2006, one of the City's approved JOC contractors.

When the permits were obtained to begin construction, it was indicated that the Coastal Construction Control Line (CCCL) permit was not required since the project did not include the construction of a major structure, such as a building or pool, east of the CCCL. However, during the construction of the Oceanfront Neighborhood Improvements Phase 1, which included the street ends east of Collins Avenue, the Florida Department of Environmental Protection (FDEP) stated that a CCCL permit was required. The scope of the project was discussed, and FDEP indicated that this permit was required as the scope included water features, such as public showers, water fountains and lighting east of the

CCCL. The information required by FDPE consisted of providing a CCCL survey. The survey area included all street ends, east of Collins Avenue, from 24<sup>th</sup> to 43<sup>rd</sup> Streets and the Beach area east of the dunes. The comprehensive CCCL survey required locating all necessary control monuments to establish the CCCL throughout the project corridor, and establishing topographical contour lines for elevation zero (sea level), mean high water elevation and seasonal high water elevation throughout the project corridor. The data requirements of a CCCL survey surpass those of a standard topographic and boundary surveys.

Staff negotiated a fee of \$48,750 with EDAW to collect CCCL Survey data in accordance with FDEP requirements (see Attachment 1). The task also includes the preparation of survey drawings incorporating all the collected filed data. The survey included a total of 24 sheets, 1,450 linear feet of shoreline and a surveyed area of 744,000 square feet. This fee is less than the total cost of the work required to obtain the permit. The City has agreed to pay the cost that it would have incurred had the work associated with the permitting been done concurrently with the other project related work. The Consultant is absorbing the additional costs. Also, at this time, the City negotiated a fee of \$14,497 with the Consultant to provide Resident Project Representative (RPR) services and Construction Administration services for the Project during the warranty period of Phase 1 (see Attachment 2). This includes review services for warranty items being claimed against the contractor; coordinating construction sequencing; finalizing review and construction document drawings submitted by developers; preparing drawings and reviewing contractor's proposal for added developer streets; providing coordination between the contractor and FPL to finalize electrical connections and energize lighting system; and attending meetings to review construction proposal drawings to ensure they comply with the Oceanfront improvement specifications.

Upon Commission approval of this resolution, CIP will execute the appropriate contract amendment with Consultant.

### **CONCLUSION**

The Administration recommends that the Mayor and City Commission adopt the Resolution approving and authorizing the expenditure of funds to provide for additional construction management services and resident project representative services for the Oceanfront Neighborhood, at a cost of \$63,247; with funding from previously appropriated 2003 GO Bond Fund 384, allocated for Construction in account 384-2340-069357 to be re-allocated for Design into account number 384-2340-061357.

### **Attachments**

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**PROPOSAL "A"**

**CCCL FEES**

02-Jun-08		Proj. Director	Proj. Manager	RPR	Designer	Clerical	Total Hours	Total Cost
Contract Billing Rate		\$169.82	\$140.53	\$93.73	\$85.49	\$46.84		
<b>Phase 1 Planning (n/a)</b>								
<b>Phase 2 Design Services (n/a)</b>								
<b>PHASE 3 Bidding and Award (n/a)</b>								
3.1	Construction Contract Document Review						0	\$0.00
3.2	Bid Document Delivery						0	\$0.00
3.3	Pre-Bid Conference						0	\$0.00
3.4	Addenda Issuance						0	\$0.00
3.5	Bid Evaluation						0	\$0.00
3.6	Contract Award						0	\$0.00
3.7	As-Bid Contract Documents						0	\$0.00
<b>PHASE 4 Construction Administration (CA) (n/a)</b>								
4.1	Pre-construction Conference						0	\$0.00
4.1a	Pre-construction Conference w/Residents						0	\$0.00
4.2	Weekly Construction Meetings						0	\$0.00
4.3	RFI/CDC						0	\$0.00
4.4	Request for Changes to Const. Cost/Sched						0	\$0.00
4.5	Shop Drawing Processing						0	\$0.00
4.6	Field Observation						0	\$0.00
4.7	Project Closeout						0	\$0.00
4.8	Post Project Services						0	\$0.00
5.4	Resident Project Representative	0	0	0	0	0	0	\$0.00
<b>Labor Summary of Phases 1 thru 5</b>		Proj. Director	Proj. Manager	RPR	Designer	Clerical		
Total Hours		0	0	0	0	0	0	
Total Fees		\$ -	\$ -	\$ -	\$ -	\$ -		\$0.00
<b>Direct Costs (included in fee proposal)</b>								
6.1	Reproducible Services							\$0.00
6.2	Travel and Subsistence							\$0.00
6.3	Surveying (CCCL Survey)							\$48,750.00
6.4	Geotechnical Evaluation							\$0.00
6.5	Materials & Equipment							\$0.00
Total Fees Including all Direct Costs								\$48,750.00

**RPR / CA FEES**

02-Jun-08		Proj. Director	Proj. Manager	RPR	Designer	Clerical	Total Hours	Total Cost
Contract Billing Rate		\$169.82	\$140.53	\$93.73	\$85.49	\$46.84		
<b>Phase 1 Planning (n/a)</b>								
<b>Phase 2 Design Services (n/a)</b>								
<b>PHASE 3 Bidding and Award (n/a)</b>								
3.1	Construction Contract Document Review						0	\$0.00
3.2	Bid Document Delivery						0	\$0.00
3.3	Pre-Bid Conference						0	\$0.00
3.4	Addenda Issuance						0	\$0.00
3.5	Bid Evaluation						0	\$0.00
3.6	Contract Award						0	\$0.00
3.7	As-Bid Contract Documents						0	\$0.00
4.1	Pre-construction Conference						0	\$0.00
4.1a	Pre-construction Conference w/Residents						0	\$0.00
4.2	Weekly Construction Meetings						0	\$0.00
4.3	RFI/CDC						0	\$0.00
4.4	Request for Changes to Const. Cost/Sched						0	\$0.00
4.5	Shop Drawing Processing						0	\$0.00
4.6	Field Observation						0	\$0.00
4.7	Project Closeout			144			144	\$13,497.12
4.8	Post Project Services						0	\$0.00
5.4	Resident Project Representative	0	0	0	0	0	0	\$0.00
<b>Labor Summary of Phases 1 thru 5</b>		Proj. Director	Proj. Manager	RPR	Designer	Clerical		
Total Hours		0	0	144	0	0	144	
Total Fees		\$ -	\$ -	\$ 13,497.12	\$ -	\$ -		\$13,497.12
<b>Direct Costs (included in fee proposal)</b>								
6.1	Reproducible Services							\$1,000.00
6.2	Travel and Subsistence							\$0.00
6.3	Surveying (n/a)							\$0.00
6.4	Geotechnical Evaluation (n/a)							\$0.00
6.5	Materials & Equipment							\$0.00
Total Fees Including all Direct Costs								\$14,497.12

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND THE CITY CLERK TO EXECUTE AMENDMENT NO. 9 TO THE AGREEMENT BETWEEN THE CITY AND EDAW, INC., DATED MAY 16, 2001, IN AN AMOUNT NOT-TO-EXCEED \$63,247, FOR ADDITIONAL PERMITTING ASSOCIATED WITH THE COASTAL CONSTRUCTION CONTROL LINE AND FOR ADDITIONAL RESIDENT PROJECT REPRESENTATIVE / CONSTRUCTION ADMINISTRATION SERVICES FOR CONSTRUCTION OF PHASE 1 (EAST OF COLLINS AVENUE) WITHIN THE RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENTS PROGRAM NEIGHBORHOOD NO. 6 – OCEANFRONT PROJECT; WITH FUNDING FROM PREVIOUSLY APPROPRIATED 2003 GENERAL OBLIGATION BOND FUND 384, ALLOCATED FOR CONSTRUCTION IN ACCOUNT 384-2340-069357 AND TO BE RE-ALLOCATED TO DESIGN ACCOUNT 384-2340-061357.**

**WHEREAS**, the Oceanfront Neighborhood Right-of-Way (ROW) Project is one of the components of the City's Neighborhood ROW Infrastructure Improvements Program (the Project); and

**WHEREAS**, the design phase of the Project has been completed and the City's A/E Consultant, EDAW, Inc. (EDAW) has delivered one hundred percent (100%) completion level, construction documents, and the necessary permits have been obtained to begin construction; and

**WHEREAS**, a Job Order Contracting (JOC) was awarded to Tran International, Inc., one of the City's approved JOC contractors on September 29, 2006, for construction of Phase 1 (East of Collins Avenue); and

**WHEREAS**, on March 23, 2004, the City executed Amendment No. 1 to the Agreement, for additional professional services to prepare the permit application, supporting documentation and present the project to the Historic Preservation Board for a total fee of \$15,584; and

**WHEREAS**, on July 7, 2004, the City executed Amendment No. 2 to the Agreement, for professional services associated with the initial phase of the Indian Creek Greenway, from the south limits of Lake Pancoast, just north of 23<sup>rd</sup> Street, to the 29<sup>th</sup> Street pedestrian bridge for a total fee of \$139,730; and

**WHEREAS**, on April 14, 2005, the City executed Amendment No. 3 to the Agreement, for professional services associated with the extended planning phase and encroachment list preparation in compliance with the City's standard format for a total fee of \$18,909; and

**WHEREAS**, on June 7, 2005, the City executed Amendment No. 4 to the Agreement, for professional services associated with additional underground utility verification services, in compliance with the City's standard format for a total fee of \$15,225; and

**WHEREAS**, on February 7, 2007, the City executed Amendment No. 5 to the Agreement, for professional services associated with the incorporation of proposed improvements to the 42<sup>nd</sup> Street street end, similar to those proposed at the 38<sup>th</sup> Street street end, into the Construction Documents for a total fee of \$2,712; and

**WHEREAS**, on September 6, 2006, the City executed Amendment No. 6, for the provision of additional services required to design additional water mains between Indian Creek Drive and Collins Avenue, as requested by the Public Works Department, and to administer construction and provide Resident Project Representative services for construction east of Collins Avenue, over an estimated six (6) month period, up to April 24, 2007; and

**WHEREAS**, these additional services also included the purchase and implementation of the E-Builder software throughout the construction period, as well as attendance and execution of a preconstruction conference with residents to provide an overview of the Project sequencing and address issues of concern with residents for a total fee of \$387,028; and

**WHEREAS**, on July 7, 2007, the City executed Amendment No. 7, for the provision of additional services required to administer construction and provide Resident Project Representative services for construction east of Collins Avenue, for an additional six (6) month construction of phase 1 (East of Collins Avenue), up to October 24, 2007 for a total fee of \$154,517; and

**WHEREAS**, on June 6, 2008, the City executed Amendment No. 8 to the Agreement is for the provision of additional design services required to relocate the existing design at the 39<sup>th</sup> and 42<sup>nd</sup> Street ends, west of Indian Creek Drive to the 40<sup>th</sup> and 42<sup>nd</sup> Street ends, west of Indian Creek Drive, in order to match proposed street geometry and FDOT configuration along Indian Creek Drive for a total fee of \$15,700; and

**WHEREAS**, the Florida Department of Environmental Protection (FDEP) has requested an after-the-fact permit for the Coastal Construction Control Line (CCCL); and

**WHEREAS**, additional Resident Project Representative and Construction Administration Services are required during the warranty period and to coordinate construction sequencing with the developers; and

**WHEREAS**, the CIP Office (CIP) has negotiated a fee of \$63,247 with EDAW to obtain permitting associated with the Coastal Construction Control Line and for additional Resident Project Representative and Construction Administration Services; and

**WHEREAS**, EDAW to provide specialize survey and mapping services required to obtain the Coastal Construction Control Line permit; and

**WHEREAS**, EDAW to provide Resident Project Representative (RPR) services and Construction Administration services for the Project during the warranty period for warranty items being claimed against the contractor; and to coordinate construction sequencing and finalize review and construction document drawings submitted by developers; prepare drawings and review contractor's proposal for added developer streets; and

**WHEREAS**, these services also include providing coordination between the contractor and FPL to finalize electrical connections and energize lighting system; attending meetings to review construction proposal; and attending meetings with City and Developers to review drawings and ensure they comply with the Oceanfront improvement specifications; and

**WHEREAS**, CIP and Hazen and Sawyer, the City's Program Manager (Program Manager) have determined that the construction phase of the Project would best be served with EDAW providing on-site personnel to assist in managing the construction process and obtaining the required Coastal Construction Control Line permit; and

**WHEREAS**, accordingly, the Administration would recommend that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute Amendment No. 9 to the Agreement with EDAW, dated May 16, 2001, in the total amount of \$63,247, to provide the aforestated additional construction administration, and RPR services for the Project and obtain the required Coastal Construction Control Line permit.

**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 hereby approve and authorize the Mayor and the City Clerk to execute Amendment No. 9 to the Agreement between the City and EDAW, Inc., dated May 16, 2001, in an amount not-to-exceed \$63,247, for additional permitting associated with the Coastal Construction Control Line and for additional Resident Project representative / Construction Administration Services for Construction of Phase 1 (East of Collins Avenue) within the right-of-way Infrastructure Improvements Program Neighborhood 6 – Oceanfront Project; with funding from previously appropriated 2003 General Obligation Bond Fund 384, allocated for Construction in account 384-2340-069357 and to be re-allocated to design account 384-2340-061357.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2008.

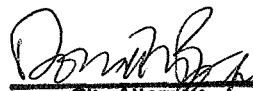
**ATTEST:**


\_\_\_\_\_  
**Robert Parcher, City Clerk**

\_\_\_\_\_  
**Matti Herrera Bower, Mayor**

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

  
\_\_\_\_\_  
City Attorney

  
\_\_\_\_\_  
Date

12/2/08