

Condensed Title:

A Resolution of the City Commission, approving and authorizing the City Clerk to execute Amendment No. 3 to the Professional Architectural and Engineering (A/E) Service Agreement between the City of Miami Beach, Florida and EAC Consulting, Inc. (EAC), for additional Professional Services, associated with Pavement Markings and Signage in the negotiated amount of \$27,000, for the Biscayne Point Right of Way Infrastructure Improvement Project, with Funding From G.O. Bond Neighborhoods Fund (384), previously Appropriated in the Fiscal Year 2003-2004 Capital Budget.

Key Intended Outcome Supported:

Ensure well designed, quality capital projects.

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

Traffic and parking are two of the most important areas affecting residents' quality of life; 37% of residents rated traffic flow as poor. Traffic is ranked No.2 by residents as one of the changes that will make Miami Beach a better place to live; traffic flow in Miami Beach is a key driver for recommending Miami Beach as a place to live. With respect to parking, 77% of residents rated availability of parking across Miami Beach as too little or much too little.

Issue:

Shall the Mayor and City Commission approve the Resolution?

Item Summary/Recommendation:

On July 27, 2005, the Mayor and the City Commission adopted Resolution No. 2005-25973 approving and authorizing the Mayor and City Clerk to execute an agreement with EAC for Professional Services for the enhancement of the Biscayne Point neighborhood, consistent with the previously approved Basis of Design Report (BODR). Biscayne Point Neighborhood upgrades include storm water improvements in only part of the neighborhood; specifically, Stillwater Drive and the very northernmost three streets in Biscayne Beach. Previous to the contract negotiations with EAC in 2005, it was agreed by the CIP team and the Project Manager (Hazen & Sawyer), that it would not be necessary to prepare both Paving, Grading and Drainage (PG&D) Drawings, as well as Pavement Marking & Signage (PM&S) Drawings for the entire project area. It was agreed that the PG&D drawings of all streets (which were generally going to illustrate milling and resurfacing with targeted elevations), could also be used to also indicate required pavement markings and signage; therefore, in an effort to reduce the project's costs, the CIP team directed EAC during the contract negotiations to remove the Pavement Marking & Signage (PM&S) Drawings and consequently the City was provided a credit for this reduction in EAC's original proposal. During the review process by the permitting agencies, Miami-Dade County Public Works Department's Traffic Division and Miami Beach's Public Works Department, made a permitting requirement to provide more complex drawings showing the required pavement markings and signage details for the whole neighborhood in separate sheets. Once the need for PM&S was established, CIP requested EAC to provide a proposal for the Engineering Services related to Pavement Markings and Signage for the Biscayne Point Neighborhood Project. On 9/17/2006, EAC presented an initial proposal for \$122,877 which was rejected by staff. A subsequent proposal in the amount of \$ 49,820 was presented, and further negotiations by staff and the Special Assistant to the City Manager resulted in the agreed amount of \$27,000 (See Attachment), as fair compensation for the work to be done. Amendment No.3 increases the Agreement for a total fee of \$1,368,056. The scope includes the respective associated additional tasks for Construction Administration. The Administration recommends approval of the Resolution.

Advisory Board Recommendation:

Recommendation for approval by CIPOC on January 12, 2009

Financial Information:

Source of Funds		Amount	Account
OBPI	1	\$27,000	384-2321-061357 G.O. Bond Neighborhood Design
	Total	\$27,000	

Financial Impact Summary:

City Clerk's Office Legislative Tracking:

Miguel Perez, Capital Projects Coordinator, ext 2704

Sign-Offs:

Department Director FHB	Assistant City Manager TH	City Manager JMG
----------------------------	------------------------------	---------------------

T:\AGENDA\2009\January 28\Consent\Biscayne Point Summary Amendment No 3.doc





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: January 28, 2009

SUBJECT: 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 AMENDMENT NO. 3 TO THE PROFESSIONAL ARCHITECTURAL AND ENGINEERING (A/E) SERVICES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND EAC CONSULTING, INC. (EAC), FOR ADDITIONAL PROFESSIONAL SERVICES, ASSOCIATED WITH PAVEMENT MARKINGS AND SIGNAGE, IN THE AMOUNT OF \$27,000, FOR THE BISCAYNE POINT RIGHT OF WAY INFRASTRUCTURE IMPROVEMENT PROJECT, WITH FUNDING FROM G.O. BOND NEIGHBORHOODS FUND 384-2321, PREVIOUSLY APPROPRIATED IN THE FISCAL YEAR 2003-2004 CAPITAL BUDGET.

ADMINISTRATIVE RECOMMENDATION

Adopt the Resolution.

FUNDING

Project funding, from G.O. Bond Neighborhoods Account No.384-2321-061357 for Design, in the amount of \$27,000, was previously appropriated in the Fiscal Year (FY) 2003-2004 Capital Budget.

ANALYSIS

On October 15, 2003, as per Resolution No. 2003-25376, the City Commission approved the Basis of Design Report (BODR) for the Biscayne Point Neighborhood. On July 27, 2005 the Mayor and City Commission adopted Resolution No. 2005-25973, approving and authorizing the City to execute an Agreement with EAC, for Professional Services for the Biscayne Point Neighborhood Right of Way Improvement Project.

The Biscayne Point Neighborhood ROW Project as described in the BODR, includes storm water management and potable water distribution system upgrades, streetscape work with restoration and enhancement of the neighborhood's landscape, irrigation and lighting.

On March 8, 2006, the Mayor and the City Commission adopted Resolution No. 2006-26133, approving and authorizing to execute Amendment No.1 to the existing agreement with EAC for Professional Services for the inclusion of water main replacements required by the City's Public Works Department, in the Amount of \$129,325 for a total fee of \$1,316,132.

Amendment No. 2 for additional stormwater system modeling services, in the amount of \$24,924, for a total fee of \$1,341,056, is in the process of being executed administratively to find the best possible solution available for the project .

Biscayne Point Neighborhood upgrades include storm water improvements in only part of the neighborhood; specifically, Stillwater Drive and the very northernmost three streets in Biscayne Beach. Previous to the contract negotiations with EAC in 2005, it was agreed by the CIP team and the Project Manager (Hazen & Sawyer), that it would not be necessary to prepare both Paving, Grading and Drainage (PG&D) Drawings, as well as Pavement Marking & Signage (PM&S) Drawings for the entire project area. It was agreed that the PG&D drawings of all streets (which were generally going to illustrate milling and resurfacing with targeted elevations), could also be used to also indicate required pavement markings and signage; therefore, in an effort to reduce the project's costs, the CIP team directed EAC during the contract negotiations to remove the Pavement Marking & Signage (PM&S) Drawings and consequently the City was provided a credit for this reduction in EAC's original proposal.

During the review process by the permitting agencies, Miami-Dade County Public Works Department's Traffic Division and Miami Beach's Public Works Department, made a permitting requirement to provide more complex drawings showing the required pavement markings and signage details for the whole neighborhood in separate sheets.

Once the need for 37 additional PM&S drawings was established, CIP requested EAC to provide a proposal for the Engineering Services related to Signage and Pavement Markings for the Biscayne Point Neighborhood Project. On 9/17/2006, EAC presented an initial proposal for \$122,877 which was rejected by staff. A subsequent proposal in the amount of \$ 49,820 was presented, and further negotiations by staff and the Special Assistant to the City Manager resulted in the agreed amount of \$27,000 (See Attachment), as fair compensation for the work to be done.

Capital Improvement Projects Oversight Committee Recommendation:

This item was presented to the CIP Oversight Committee on January 12th, 2009 and was recommended for approval. Upon Commission approval of this resolution the appropriate contract Amendment will be executed.

Amendment No.3 increases the contract fee, in the amount of \$27,000, for a total fee of \$1,368,056, which is 11% of the estimated construction cost at the 60% design stage. The scope includes the respective associated additional tasks for Construction Administration.

CONCLUSION

Based on the aforementioned, the Administration recommends that the Mayor and City Commission adopt the Resolution, approving and authorizing the Mayor and City

Clerk to execute Amendment No. 3 to the existing agreement between the City and EAC Consulting, Inc., for additional Professional Services, for Signage and Pavement Marking drawings, in the negotiated amount of \$27,000, for the Biscayne Point Right of Way Infrastructure Improvement Project, with funding from G.O. Bond Neighborhoods account No.384-2321, previously appropriated in the Fiscal Year 2003-2004 Capital Budget.

ATTACHMENT

T:\AGENDA\2009\January 28\Consent\Biscayne Point- Memo Amendment No 3.doc

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 AMENDMENT NO. 3 TO THE PROFESSIONAL ARCHITECTURAL AND ENGINEERING (A/E) SERVICES AGREEMENT BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND EAC CONSULTING, INC. (EAC), FOR ADDITIONAL PROFESSIONAL SERVICES, ASSOCIATED WITH PAVEMENT MARKINGS AND SIGNAGE, IN THE AMOUNT OF \$27,000, FOR THE BISCAYNE POINT RIGHT OF WAY INFRASTRUCTURE IMPROVEMENT PROJECT, WITH FUNDING FROM G.O. BOND NEIGHBORHOODS FUND 384-2321, PREVIOUSLY APPROPRIATED IN THE FISCAL YEAR 2003-2004 CAPITAL BUDGET.

WHEREAS, pursuant to Resolution No. 25376, dated October 15, 2003, the City Commission approved the Basis of Design Report (BODR) for the Biscayne Point Neighborhood; and

WHEREAS, pursuant to Resolution No. 2005-25973, dated July 27, 2005, the Mayor and City Commission executed an Agreement with EAC Consulting Inc., for Professional Services for the Biscayne Point Neighborhood Right of Way (ROW) Improvement Project (Agreement); and

WHEREAS, the Agreement provides for the planning, design, bidding and award, construction administration, and reimbursables for the Project; and

WHEREAS, the Agreement was executed for a not-to-exceed amount of \$1,186,807; and

WHEREAS, the Biscayne Project includes storm water management and potable water distribution system upgrades, streetscape work with restoration and enhancement of the neighborhood's landscape, streetscape, irrigation and lighting, as described in the BODR; and

WHEREAS, pursuant to Resolution No. 2006-26133, dated March 8, 2006, the Mayor and the City Commission executed Amendment No.1 to the existing Agreement with EAC for the inclusion of water main replacements required by the City's Public Works Department, in the amount of \$129,325, for a total Agreement fee of \$1,316,132; and

WHEREAS, Amendment No.2 to the existing Agreement with EAC, for Stormwater System Modeling was executed on January 6, 2009, administratively in the amount of \$24,924, for a total Agreement fee of \$1,341,056; and

WHEREAS, previous to the contract negotiations with EAC in 2005, it was agreed by the CIP team and the Project Manager (Hazen & Sawyer), that it would not be necessary to prepare both Paving, Grading and Drainage (PG&D) Drawings, as well as Pavement Marking & Signage (PM&S) Drawings for the entire project area and consequently the City was provided a credit for this reduction in EAC's original proposal; and

WHEREAS, during the review process by the permitting agencies, Miami-Dade County Public Works Department's Traffic Division and Miami Beach's Public Works Department, made a permitting requirement to provide more complex drawings showing the required pavement markings

and signage details for the whole neighborhood in separate sheets; and

WHEREAS, Amendment No. 3 to the existing agreement between the City and EAC Consulting, Inc., for additional Professional Services, for Pavement Marking and Signage drawings, in the negotiated amount of \$27,000, for the Biscayne Point Right of Way Infrastructure Improvement Project, increases the contract fee to a total fee of \$1,368,056;

WHEREAS, this item was presented to the CIP Oversight Committee on January 12, 2009 and was recommended for approval.

NOW, THEREFORE, BE IT 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 City Clerk to execute the attached Amendment No. 3 to the Professional Architectural and Engineering Services Agreement between the City and EAC Consulting, Inc., for additional Professional Services, for Pavement Marking and Signage drawings, in the negotiated amount of \$27,000, for the Biscayne Point Right of Way Infrastructure Improvement Project, with funding from G.O. Bond Neighborhoods account No.384-2321, previously appropriated in the Fiscal Year 2003-2004 Capital Budget.

PASSED AND ADOPTED this ___ day of January, 2009.

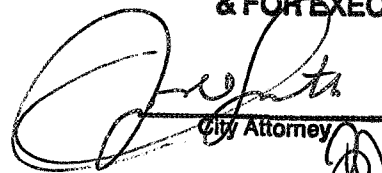
ATTEST:

ROBERT H. PARCHER, CITY CLERK

MATTI HERRERA BOWER, MAYOR

T:\AGENDA\2009\January 28\Consent\Biscayne Point Amendment No 3 -Reso.doc

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



City Attorney

1/20/09

Date

**AMENDMENT NO.3
TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN
THE CITY OF MIAMI BEACH, FLORIDA
AND
EAC CONSULTING, INC.,
DATED MARCH 8, 2006**

**FOR ADDITIONAL PROFESSIONAL SERVICES, ASSOCIATED WITH SIGNAGE AND
PAVEMENT MARKINGS IN THE AMOUNT OF \$27,000 FOR THE BISCAYNE POINT RIGHT
OF WAY INFRASTRUCTURE IMPROVEMENT PROJECT.**

This Amendment No. 3 to the Agreement made and entered into this ____ day of _____, 2009, 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 EAC CONSULTING, Inc., a Florida corporation, having its offices at 815 N.W. 57th Avenue, Suite 402, Miami, Florida 33126 (hereinafter referred to as Consultant).

RECITALS

WHEREAS, pursuant to Resolution No. 2005-25973, dated July 27, 2005, approving an Agreement between the Mayor and City Clerk with Consultant, for Professional A/E Services for the Biscayne Point Neighborhood Right of Way (ROW) Improvement Project (the Project); and

WHEREAS, the Agreement provides for the planning, design, bidding and award, construction administration, and reimbursables for the Project; and

WHEREAS, the Agreement was executed for in an amount of \$1,186,807; and

WHEREAS, Amendment No.1 to the Agreement, in the amount of \$129,325 was approved as per Resolution No. 2006-26133, for a total fee of \$1,316,132; and

WHEREAS, Amendment No.2 to the Agreement, in the amount of \$24,924 is being executed administratively, for a total Agreement fee of \$1,341,056; and

WHEREAS, at this time, the City has negotiated Amendment No. 3, for the provision of Signage and Pavement Markings needed to comply with regulatory agencies; and

WHEREAS, this Amendment No. 3 increases the Agreement fee by \$27,000, for a total fee of \$1,368,056.

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. 3.

2. **MODIFICATIONS**

The Agreement is amended to include Schedule "A-3", attached and incorporated herein.

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. 3.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment No. 3 to be executed in their names by their duly authorized officials as of the date first set forth above.

ATTEST:

CITY OF MIAMI BEACH

City Clerk
Robert Parcher

By _____
Mayor
Matti Herrera Bower

ATTEST :

CONSULTANT:
EAC CONSULTING, INC

TITLE:

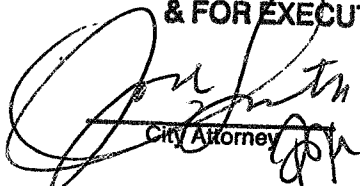
By _____
TITLE:

Print Name

Print Name

T:\AGENDA\2009\January 28\Consent\Biscayne Point Amendment No 3.doc

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



City Attorney
Date 1/20/09

Schedule A-3

1. SCOPE OF SERVICES

Schedule "A" entitled, "Scope of Services", is amended as follows:
ADD the following under Task 5 – ADDITIONAL SERVICES

Task 5.3 – Signage and Pavement Marking Plans and Details

The Consultant shall provide detailed design services for producing a set of contract documents (specifications and drawings) as needed for the construction of Signage and Pavement Markings within the Biscayne Point Neighborhood. In this effort, the Consultant shall be bound by the requirements stipulated in Task 2 –Design Services as adopted via Resolution No. 2005-25973, on July 27, 2005, approving and authorizing the Mayor and City Clerk to execute an Agreement with Consultant for Professional Services for the Biscayne Point Neighborhood Right of Way Improvement Project.

Task 5.4 – Construction Administration Services for Street Signing and Pavement Marking

The Consultant shall provide construction administration services as needed for the Signage and Pavement Markings within the Biscayne Point Neighborhood. These services are equal in nature to those in this effort, the Consultant shall be bound by the requirements stipulated in Task 4 –CONSTRUCTION ADMINISTRATION SERVICES, as adopted via Resolution No. 2005-25973, on July 27, 2005, approving and authorizing the Mayor and City Clerk to execute an Agreement with Consultant for Professional Services for the Biscayne Point Neighborhood Right of Way Improvement Project.

Task 6.7 – Reproduction Services

It is agreed that there are no costs for Reproduction services associated with Signage and Pavement Marking Plans and Details.

2. TIME OF COMPLETION

Additional design services contemplated by this Amendment are to be completed within the base Agreement schedule, adopted via Resolution No. 2005-25973, on July 27, 2005 between the City and Consultant.

3. PAYMENT AND COMPENSATION

Compensation: The method of calculating fees for the aforementioned proposed additional professional architectural and engineering services is based on the provisions established in Article 7 of the Agreement with Consultant.

• Original Agreement amount	\$1,186,807
• Amendment No. 1	\$ 129,325
• Amendment No. 2	\$ 24,924
• Amendment No. 3	<u>\$ 27,000</u>
• Revised Agreement amount total	\$1,368,056

THIS PAGE INTENTIONALLY LEFT BLANK