Memorandum

MIAMI-DADE COUNTY

Date: May 3, 2011

Agenda Item No. 14(A)(2)

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: Alina T. Hudak
County Manager

Subject: Amendment Number Two to the Professional Services Agreement with Camp, Dresser and McKee, Inc., Project E05-WASD-10; Agreement No. 06CDAM005: Water Facilities Master Plan Update

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing the execution of Amendment Number Two to the non-exclusive Professional Services Agreement (Agreement) with the engineering firm of Camp, Dresser & McKee, Inc. (CDM). Under this Agreement, CDM assisted the Miami-Dade Water and Sewer Department (WASD) to prepare WASD's Water Facilities Master Plan and to obtain the County's 20-Year Water Use Permit (WUP) from the South Florida Water Management District (District) in 2007 as well as the modifications approved by the District in 2010. Amendment Number Two seeks to extend the Agreement for one (1) additional year.

SCOPE OF AGENDA ITEM

The agenda item has a county-wide impact because approval of Amendment Number Two will provide WASD with the necessary assistance to re-negotiate the schedule of capital projects of county-wide significance with the District.

FISCAL IMPACT/FUNDING SOURCE

Pursuant to Resolution R-530-10 adopted by the Board on May 4, 2010: 1) this item does not require a financial commitment from the County to CDM because Amendment Number Two is a 1-year time extension only, 2) a funding source is not required, and 3) there is no fiscal impact to the County's current budget and to future budgets.

TRACK RECORD/MONITOR

WASD's Deputy Director of Regulatory Compliance and Capital Improvements will monitor the implementation of Amendment Number Two.

BACKGROUND

In February 2006, the County released a Notice to Professional Consultants ("NTPC") soliciting bids for OCI Project No. E05-WASD-10, which sought assistance with an update to the Water Facilities Master Plan. The NTPC sought bids for a four (4) year contract with a possible two (2) year extension.

On May 16, 2006, a non-exclusive Professional Services Agreement to provide engineering services for the Water Facilities Master Plan Update was awarded to CDM in the amount of $1.5 million for a three year term. In the interim, the County and the District began negotiating the terms of the WUP with the District, which added additional studies and analysis to the original scope of work of the Water Facilities Master Plan Update. These new requirements resulted in Amendment Number One to the original Agreement with CDM, which was approved by the Board on November 28, 2006. Amendment Number One provided additional compensation in the amount of $2.8 million for the revised scope of work, thereby increasing total compensation from $1.5 million to $4.3 million. In addition, on May 9, 2009, the

County exercised its right under Section 18 of the original Agreement and extended the term to May 16, 2011 with no additional monies added to the contract value.

Consistent with the duration advertised in the NTPC, Amendment Number Two consists of a 1-year only time extension to the existing Agreement, which will otherwise expire on May 16, 2011. As the Board was recently made aware, the District has shown a willingness to amend the WUP. CDM's knowledge of previous WUP changes and amendments makes it particularly efficient to continue to employ them to assist WASD with anticipated upcoming WUP modifications by the District. Due to recent staff reductions, WASD's ability to perform the analytical tasks and studies needed for the second modification to the WUP has declined and time is of the essence to secure regulatory approval because the proposed modifications will consist of cost-avoiding projects.

This time extension will ensure that there is no time delay in the provision of professional engineering services from CDM to WASD on an "as needed" basis in the near future to facilitate the issuance of a second modification to the WUP after a funding source is identified to support the work proposed (engineering and planning services) under this time extension. A third amendment will be presented to the Board when the costs of the needed tasks have been defined along with the required revenues.

The Community Business Enterprise goal of 25% assigned to the original Professional Services Agreement will remain the same for Amendment Number Two.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: May 3, 2011

FROM: R. A. Cuevas, Jr. County Attorney

SUBJECT: Agenda Item No. 14(A)(2)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

✓ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(2)
5-3-11

RESOLUTION NO. _____

RESOLUTION APPROVING EXECUTION OF AMENDMENT NUMBER TWO TO A NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT WITH CAMP DRESSER & McKEE, INC. FOR AGREEMENT NO. 06CDAM005: WATER FACILITIES MASTER PLAN UPDATE; EXTENDING THE DURATION OF THE AGREEMENT BY ONE YEAR

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the execution of Amendment Number Two to a Non-Exclusive Professional Services Agreement with Camp Dresser & McKee, Inc. for Agreement No. 06CDAM005 – Water Facilities Master Plan Update extending the duration of the agreement by no more than one year, in substantially the form attached hereto and made a part hereof; and authorizes the County Mayor or Mayor's designee to execute same for and on behalf of Miami-Dade County, Florida and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Audrey M. Edmonson, Vice Chairwoman

Bruno A. Barreiro
Jose "Pepe" Diaz
Barbara J. Jordan
Dennis C. Moss
Sen. Javier D. Souto
Lynda Bell
Sally A. Heyman
Jean Monestime
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of May, 2011. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. SED

Sara E. Davis

S

AMENDMENT NUMBER TWO
TO
NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT
BETWEEN MIAMI-DADE COUNTY
AND
CAMP DRESSER & McKEE, INC.

Agreement No. 06CDAM005

THIS AMENDMENT NUMBER TWO, is made and entered into the _____day of _____, 2011, by and between Miami-Dade County, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY", and CAMP DRESSER & McKEE, INC. a Massachusetts corporation authorized to do business in the State of Florida and with offices in Miami-Dade County, hereinafter referred to as the "ENGINEER".

W I T N E S S E T H

WHEREAS, on May 16, 2006, the COUNTY and ENGINEER entered into a Non-exclusive Professional Services Agreement, hereinafter referred to as the "Agreement" in the amount of $1.5 million for a three-year term for the ENGINEER to prepare the County's Water Facilities Master Plan Update and to provide assistance in obtaining approval of a 20-Year Water Use Permit application from the South Florida Water Management District, hereinafter referred to as the "District"; and

WHEREAS, the COUNTY and the District began negotiating the terms of the County's 20-Year Water Use Permit; and

WHEREAS, the negotiations with the District resulted in the need for additional engineering and planning services by the ENGINEER than originally contemplated; and

WHEREAS, on November 28, 2006, the Board of County Commissioners approved Amendment Number One via Resolution R-1313-06 which increased compensation by $2.8 million from $1.5 million to $4.3 million for the ENGINEER to provide the additional studies, analysis and analytical tasks to obtain the County's 20-Year Water Use Permit; and

WHEREAS, the COUNTY through Miami-Dade Water and Sewer Department, hereinafter referred to as the "Department" obtained a 20-Year Water Use Permit from the District in November 2007; and

WHEREAS, on May 11, 2009, the County Manager approved a two-year time extension to the Agreement until May 16, 2011 as the Department desired to obtain modifications to the 20-Year Water Use Permit and the ENGINEER provided engineering and planning services which resulted in the Department successfully obtaining modifications to the 20-Year Water Use Permit from the District in November 2010; and

6

WHEREAS, the Department is currently seeking further modifications to the requirements of the 20-Year Water Use Permit which will require additional engineering and planning services by the ENGINEER concerning water use demands and forecasting necessary to obtain the desired modifications to the 20-Year Water Use Permit; and

WHEREAS, the Notice to Professional Consultants released by the County solicited bids for a consultant to work on a variety of projects connected with the Water Facilities Master Plan Update for a contractual duration of four (4) years with a possible two (2) year extension; and

WHEREAS, consistent with the County's Notice to Professional Consultants solicitation, Amendment Number Two will extend the Agreement for a one year period until May 16, 2012, which will provide time for the Department to determine the engineering and planning services needed from the ENGINEER and to identify funding for those services to facilitate a second modification to the requirements of the 20-Year Water Use Permit; and

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the COUNTY and the ENGINEER hereby agree to the following:

1. Paragraph 18 of the Agreement is hereby modified to state as follows:

   DURATION OF AGREEMENT: This Agreement shall remain in full force and effect for an additional period of no more than one (1) year until May 16, 2012. Actual completion of the services authorized prior to the expiration date may be extended beyond such term and shall be subject to the same terms and conditions set forth in this Agreement, including but not limited, to indemnification and insurance. This Agreement may be terminated by mutual consent of the parties hereto, or as otherwise provided herein. The performance of specifically and properly authorized services that may extend beyond this Agreement's effective term shall be compensated in accordance with Section 6 hereof.

2. All terms, covenants and conditions of the Agreement not expressly modified or revised herein shall remain in full force and effect.

(The rest of this page is intentionally left blank)

IN WITNESS WHEREOF, the parties hereto have executed these presents the day and date first written above.

ATTEST:

HARVEY RUVIN,
CLERK OF THE BOARD

By:_____

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By:_____
County Mayor

WITNESSETH:

By: Karla A. Martinez

KARLA MARTINEZ
Typed or print name

By: B Moreno

Beatriz Moreno
Typed or print name

Camp Dresser & McKee, Inc.

By: John D. Manning
(Corporate Seal) President

JOHN D MANNING
Print name

Approved as to form and legal sufficiency,

Sarah Espinosa Davis 4/28/11
Assistant County Attorney