

Memorandum



Date: September 1, 2011

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

From: Alina T. Hudak
County Manager *Alina T. Hudak*

Subject: Second Amendment to Agreement with Sequeira & Gavarrete, Inc., for Project Support Services for the North Terminal Development Program, Contract No. B701D, modifying terms and conditions

Agenda Item No. 8(A)(1)(B)

RECOMMENDATION

It is recommended that the Board approve the attached Second Amendment between Sequeira & Gavarrete, Inc., and Miami-Dade County, modifying the terms of the agreement to allow utilization of the available balance in Basic Services to fund work authorized as Dedicated Services or Reimbursable Expenses, as long as the funds are used in a manner consistent with the described intent of the service category scope to which the funds are being transferred.

SCOPE

PROJECT NAME: North Terminal Development (NTD) Program

PROJECT NO.: B701D

CONTRACT NO.: B701D

PROJECT DESCRIPTION: The consultant provides professional, technical, and administrative support personnel to work with, support, and augment Miami-Dade Aviation Department (MDAD) and its other consulting staff in completing the remaining design, construction, installation, and commissioning work of the NTD Program. Consultant staff manages engineering, architectural, construction and other technical support requirements. MDAD-issued Service Orders to the Consultant for staff assistance may include program management; quality assurance for design and construction; detailed project programming and management; construction management; maintenance of program controls including scheduling, budgeting, estimating, reporting and monitoring of comprehensive small business processes including Disadvantage Business Enterprise (DBE), Community Business Enterprise (CBE), Community Small Business (SBE) Programs; and specialty consultant services.

PROJECT LOCATION: Miami International Airport (MIA)

PRIMARY COMMISSION DISTRICT: Miami International Airport is located primarily within Commissioner Rebecca Sosa's District Six. However, the impact of this item is countywide in nature as Miami International Airport is a regional asset.

APPROVAL PATH: Board of County Commissioners

USING DEPARTMENT: Aviation Department

MANAGING DEPARTMENT: Aviation Department

FISCAL IMPACT/FUNDING SOURCE

There is no current or future fiscal impact from this item, and the funds are available within the original contract award. This Amendment modifies the Contract to allow MDAD to transfer allocated funds among three accounts: MDAD needs to transfer money from the "Basic Services" category to fund work authorized as "Dedicated Services or Reimbursable Expenses."

MODIFICATION FUNDING SOURCE: CIP Construction Funds

PTP FUNDING: No

GOB FUNDING: No

AMENDMENT DESCRIPTION: Modification of Terms & Conditions

BACKGROUND AND JUSTIFICATION

On July 6, 2006, the Board of County Commissioners approved the Consultant Agreement with Sequeira & Gavarrete, Inc. (S&G) to provide project support services for the NTD Program (R-807-06). Since the Board approved the Agreement, much progress has been made on the NTD Program, progress which required more S&G staff and the performance of a greater number of studies and analyses than originally anticipated. These demands have nearly exhausted the "Dedicated Allowance Account" service category due to the difficulty of budgeting funds in 2006 anticipating circumstances in 2011, as exemplified by the extra studies and analyses that were not anticipated at that time. For those reasons, MDAD needs to move funds originally allocated to the Basic Services account to the Dedicated Allowance account. These movements of funds are wholly internal to the contract and will be done within the previous total approved resources.

ORIGINAL AGREEMENT

AMOUNT: \$60,784,902 for the initial term of this Agreement (Compensation for On-site Staff Services of \$56,393,319.00; Dedicated Allowance Account for Specialty Consultant Services of \$1,990,000.00; Reimbursable Expenses of \$2,250,000.00; plus an Inspector General Dedicated Allowance Account of \$151,583.00). For any authorized extension period, the compensation shall be at a not-to-exceed amount of \$14,300,000 for on-site staff services, \$250,000 for specialty consultant services; and \$500,000 for

reimbursable expenses for that period as further provided in the agreement.

PREVIOUS COUNTY MODIFICATIONS: First Amendment for \$2,500,000 (BCC approval November 17, 2009, under the NTD Expedite Ordinance 08-87) for Cost Estimating, code research for Life Safety Master Plan, and additional support staff for baggage system; Exercised two one-year renewal options for \$30,100,000 to extend the Term of Agreement by two years to September 30, 2012.

AMOUNT OF RECOMMENDED MODIFICATION: \$0

ADJUSTED AGREEMENT AMOUNT: \$93,384,902 (See below table)

	Original Authorization	First Amendment	One Year Extension	Second Year Extension	Transfers Performed (per Amendment 1 Item 4.1)	Existing Agreement Amount
Contract Date	9/30/2010	11/17/09				9/30/2012
Basic Services	56,393,319	1,500,000	14,300,000	14,300,000	1,200,000	87,693,319
Inspector General	151,583	-			-	151,583
Reimbursable	2,250,000	-	500,000	500,000	(1,322,447)	1,927,553
Dedicated Services	1,990,000	1,000,000	250,000	250,000	122,447	3,612,447
Total PSA	60,784,902	2,500,000	15,050,000	15,050,000	-	93,384,902

PERCENT CHANGE THIS MODIFICATION: 0%

TOTAL PERCENT INCREASE ALL MODIFICATIONS: 4.11%

INITIATING FACTOR(S) FOR AMENDMENT:

- Regulatory Change
- Other Agency Request Change
- Design Errors Change
- Design Omissions Change
- County Requested Change
- Unforeseen/Unforeseeable Change
- Other

TRACK RECORD/MONITOR

Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners
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FIRM: Sequeira & Gavarrete, Inc.

COMPANY PRINCIPAL(S) Roberto Sequeira and Fernando Gavarrete

COMPANY QUALIFIER(S): Roberto Sequeira

COMPANY EMAIL ADDRESS: rsequeira@s-garchitects.com

COMPANY STREET ADDRESS: 811 Ponce de Leon Blvd.
Coral Gables, Florida 33134

YEARS IN BUSINESS IN FLORIDA: 23 years

PREVIOUS EXPERIENCE WITH COUNTY (PAST FIVE YEARS): See attached DBD A&E Firm History Report

CONSULTANT PERFORMANCE: No information is available in the Capital Improvement Information system database for this Architect/Engineer. Performance on existing contract is satisfactory.

SBE 8% Subconsultant Goal

CONTRACT MEASURES: As of April 30, 2011, the SBE contractors have been paid \$7,863,514 (12.2%) of what Sequeira & Gavarrete has been paid and received to date (\$64,471,589).

COMPLIANCE DATA: There have been no violations listed against this firm on this project or any other County projects.

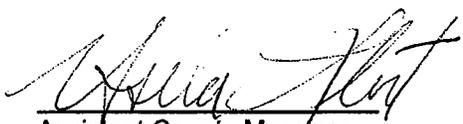
DELEGATIONS OF AUTHORITY: The Aviation Director or designee has the authority to expend the contingency accounts, reduce the scope of the project, or terminate/cancel the agreement.

CONTRACT and PROJECT MANAGER: Juan Carlos Arteaga (305)869-5694

NAME/PHONE/EMAIL: JCArteaga@miami-airport.com

SBD REVIEW: Yes

LEGAL SUFFICENCY: Yes


Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: September 1, 2011

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

SUBJECT: Agenda Item No. 8(A)(1)(B)

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

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Approved _____ Mayor

Agenda Item No. 8(A)(1)(B)

Veto _____

9-1-11

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING SECOND AMENDMENT TO THE AGREEMENT PROJECT SUPPORT SERVICES FOR THE SEQUEIRA & GAVARRETE, P.A., AND MIAMI-DADE COUNTY

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 hereby authorizes the County Mayor or Mayor's designee to execute the Second Amendment to the Agreement with Sequeira & Gavarrete, P.A., for Project Support Services for the North Terminal Development Program, Contract No. B701D, modifying the terms and conditions, in substantially the form attached hereto, and authorizes the County Mayor or Mayor's designee to enforce the terms of such Second Amendment.

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 | Lynda Bell |
| Esteban L. Bovo, Jr. | Jose "Pepe" Diaz |
| Sally A. Heyman | Barbara J. Jordan |
| Jean Monestime | Dennis C. Moss |
| Rebeca Sosa | Sen. Javier D. Souto |
| Xavier L. Suarez | |

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The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 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.



David M. Murray



SECOND COUNTY AMENDMENT
TO THE CONSULTANT AGREEMENT
WITH SEQUEIRA & GAVARRETE, P.A. FOR THE PROJECT SUPPORT
SERVICES FOR THE NORTH TERMINAL DEVELOPMENT PROGRAM
FOR THE MIAMI-DADE AVIATION DEPARTMENT

THIS SECOND COUNTY AMENDMENT, entered into this ____ day of _____, 2011 by and between Miami-Dade County, a political subdivision of the State of Florida, hereinafter referred to as the "County" and Sequeira & Gavarrete, Inc. (formerly known as Sequeira & Gavarrete P.A.), herein referred to as the "Consultant".

WITNESSETH:

WHEREAS, the Board of County Commissioners ("Board") approved the Fourth Amendment to the Lease, Construction, and Financing Agreement between American Airlines and Miami-Dade County by Resolution No. R-735-05, passed and adopted June 21, 2005, that in part directed Aviation staff to assume American's obligations for the design and construction of the North Terminal Development Program; and

WHEREAS, on July 6, 2006 the Board by its adoption of Resolution R807-06 approved the Consultant Agreement for project support services to include management, cost, and schedule control services for the North Terminal Development Program with the Consultant; and

WHEREAS, the County approved the First County Amendment increasing the funds to replenish the agreement for additional staff and tasks for Estimating, Life Safety Master Plan, and Baggage Handling System (BHS) oversight; and

WHEREAS, the County is desirous of re-allocating the funds available in the Agreement for needed project support services.

NOW, THEREFORE, in consideration of the premises contained herein, the parties hereto agree as follows:

- 1 Modify Contract Terms And Conditions
 - 1.1 The following language is added to Section 4.1.4: The County may utilize the Services funds to fund work authorized as Dedicated Services or Reimbursable Expenses, as long as the transferred funds are used in a manner consistent with the scope of the contract and Total Authorized Amount of the Agreement is not exceeded.

- 2 In all other respects, the Agreement shall remain in full force and effect in accordance with the terms and conditions specified herein.

- 3 This Second County Amendment shall become effective as of the date first written above.

IN WITNESS WHEREOF, the parties hereto have caused this Second County Amendment to Agreement to be executed by their respective and duly authorized officers, as of the day and year first above written.

ATTEST:

MIAMI-DADE COUNTY, FLORIDA
a political subdivision of the State of Florida

HARVEY RUVIN, CLERK

BY ITS BOARD OF COUNTY
COMMISSIONERS

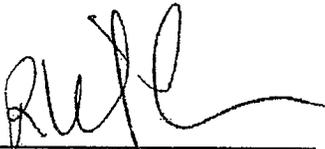
By: _____
Deputy Clerk

_____ County Mayor

(MIAMI-DADE COUNTY SEAL)

ATTEST:

Sequeira & Gavarrete, Inc.
a Florida Corporation.

By: 
Richard Nikonovich-Kahn
General Counsel



(CORPORATE SEAL)

Approved for Form and Legal Sufficiency

By: _____
Assistant County Attorney



MIAMI DADE COUNTY
 Department of Small Business Development

A&E Firm History Report
 From: 06/08/2006 To: 06/08/2011

PRIMES

FIRM NAME: SEQUEIRA & GAVARRETE, INC.
 811 Ponce De Leon Blvd
 Coral Gables, FL 33134

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
A05-GSA-02 GOB 217-7033	1	GS	GOAL CBE 18%	07/18/2006	\$597,466.50
CONSULTANT SELECTION SERVICES FOR ARCHITECTURAL/ENGINEERING DESIGN SERVICES FOR THE RENOVATION OF THE CULMER NEIGHBORHOOD SERVICE CENTER (SIC 871)					
					\$597,466.50
EDP-SP-C-S-2009.007	1	SP	NO MEASURE	08/20/2010	\$0.00
CARGO WAREHOUSE					
					\$0.00

Total Award Amount \$597,466.50
 Total Change Orders Approved by BCC \$0.00

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* Indicates closed or expired contracts
 Disclaimer: Payments shown may not reflect current information