Memorandum

MIAMI-DADE COUNTY

Date: September 3, 2014

Agenda Item No. 8(F)(2)

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Authorizing Amendment No. 2 to a Professional Services Agreement between Miami-Dade County and Bermello, Ajamil & Partners, Inc. for the Joseph Caleb Center New Courthouse Annex/Additions and New Parking Garage

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Recommendation

It is recommended that the Board of County Commissioners (Board) authorize Amendment No. 2 to the design-build professional services agreement between Miami-Dade County and Bermello, Ajamil & Partners, Inc. (B&A) for the Joseph Caleb Center New Courthouse Annex/Additions and New Parking Garage project. The purpose of this amendment is to increase the amount of the current professional services agreement by $450,000 and add 1,095 days to the original contract term.

The additional amount of time and funding under Amendment No. 2 is required to address the reutilization of a portion of the design from the original Courthouse program to improve four floors of the Caleb Center's Tower Building courthouse component, as described in the background section below.

Scope

This project is located in Commission District 3, which is represented by Commissioner Audrey M. Edmonson.

Fiscal Impact/Funding Source

This amendment increases the amount of the current professional services agreement by $450,000, which brings the total contract value to $2,951,472. The additional allocation will be funded from Capital Outlay Reserve and Building Better Communities General Obligation Bond (BBC-GOB) allocations.

Delegated Authority

The County Mayor or County Mayor's designee has the authority to execute, implement and exercise the one-year option to renew period.

Track Record/Monitor

The project manager is Edgar Lugo from the Internal Services Department's Design and Construction Services Division.

Background

On April 29, 2009, B&A was awarded a contract for design services for the renovation of the Joseph Caleb Center, New Courthouse Annex/Additions, and New Parking Garage. The scope of the original contract included a new, freestanding courthouse annex building and a new parking garage.

Amendment No. 1 to the design contract with B&A was approved by the Board through R-1078-10, which revised the scope of work to include enclosure of the first floor atrium lobby in order to provide air conditioning, lighting, fire alarm and sprinkler systems, as well as an additional 10,000 square feet of space on two floors which was requested by the Administrative Office of the Courts.

The project was bid out for general contractor services, as revised by Amendment No. 1, with a scope that included a new, freestanding courthouse annex building, a new parking garage, and improvements to the atrium space. The bids received for this work were, at a minimum, 45 percent over the authorized project budget. As a result, all bids were recommended for rejection, which was approved by the Board on December 17, 2013 through R-1048-13.

Due to budgetary constraints, the project's programmatic needs were reassessed. The County determined that separate solicitations were necessary for: (1) the Caleb Center Tower Building Courthouse component, and (2) a new parking garage. As such, a revised solicitation was advertised for the new parking garage on October 11, 2013, and proposals were received on November 22, 2013. That award recommendation for the new parking garage is currently under bid protest, for which a bid protest hearing is scheduled on June 19, 2014. The parking garage is essential to the overall project, in order to accommodate the increase in public assembly to the Caleb Center when the project is complete.

The re-design of the Tower Building courts component is moving forward under this Amendment No. 2. The re-design will utilize the original design and programming approved by the Courts, as well as improvements to the atrium space that were authorized through Amendment No. 1. The scope of Amendment No. 2 includes, but is not limited to, the following:

- Development and construction of two courtrooms on the second floor of the Caleb tower, with related judges' chambers and bailiff spaces;
- Renovations to the third floor office areas, which will house supporting agencies to the Court functions;
- Renovation of the tower's seventh floor, which now houses the district offices of Commissioner Audrey M. Edmonson and staff, and the Historic Hampton House offices;
- Safety enhancements to the existing surface parking area alongside the southwest façade of the Caleb Center to include re-grading, new drainage, new lighting, and re-striping of the parking spaces; increased parking capacity and safety will be necessary in order to accommodate the increase in visitors due to the two new courtrooms on the second floor

Once the re-design is finalized, and the permitted plans are bid out for construction, the project is estimated to be substantially completed in December 2015.

Edward Marquez
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: September 3, 2014

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

SUBJECT: Agenda Item No. 8(F)(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 Mayor'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. 8(F)(2)
9-3-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING AMENDMENT NO. 2 IN THE AMOUNT OF $450,000.00 AND 1,095 DAYS TO A PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND BERMELLO, AJAMIL & PARTNERS, INC. FOR THE JOSEPH CALEB CENTER NEW COURTHOUSE ANNEX/ADDITIONS AND NEW PARKING GARAGE, ISD PROJECT NO. A07-GSA-02 ESP GOB, ISD CONTRACT NO. W70308/Z00051; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MODIFY AMENDMENT NO. 2 AS NEEDED AND TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN

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 authorizes the County Mayor or County Mayor's designee to execute Amendment No. 2 in the amount of $450,000.00 and 1,095 days to a Professional Services Agreement between Miami-Dade County and Bermello, Ajamil & Partners, Inc. for the Joseph Caleb Center New Courthouse Annex/Additions and New Parking Garage, ISD Project No. A07-GSA-02 ESP GOB; ISD Contract No: W70308/Z00051, substantially in the form attached hereto and made a part hereof, and authorizes the County Mayor or County Mayor's designee to exercise any cancellation and renewal provisions 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:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of September, 2014. 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.

Oren Rosenthal

MIAMI-DADE COUNTY, FLORIDA

INTERNAL SERVICES DEPARTMENT

AMENDMENT TO ORIGINAL PROFESSIONAL SERVICES AGREEMENT

AMENDMENT NO.: 2 **CONTRACT NO:** W70308/Z00051 **DATE:** 4/24/2014

PROJECT TITLE: Joseph Caleb Center New Courthouse Annex/Additions and New Parking Garage

CONTRACTOR: Bermello, Ajamil & Partners, Inc., 2601 South Bayshore Drive, 10th Floor, Miami, FL 33133

YOU ARE HEREBY REQUESTED TO MAKE THE FOLLOWING CHANGES IN THE PLANS AND SPECIFICATIONS FOR THIS PROJECT AND TO PERFORM THE WORK ACCORDINGLY, SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

Description of work authorized: The Consultant is required to provide full architecture and engineering (A&E) services to include, but not be limited to, the programming, design development and construction documents and specifications, threshold inspections and construction administration services for the planned partial restoration of the existing Joseph Caleb Center Tower (Caleb Tower).

Monetary Justification: In order to address the recommended improvements, the amount of $450,000 will be required ($400,000 for basic services and $50,000 for threshold inspections).

Time Justification: Bermello Ajamil & Partners (B&A), the Architect of Record, requires an additional 1,095 non-compensable days.

Contract Description: On April 29, 2009, the firm of Bermello, Ajamil & Partners, Inc. (B&A) was awarded a contract for design services for the renovation of the Joseph Caleb Center, New Courthouse Annex/Additions, and New Parking Garage. (Continued below)

This change order includes not only all direct costs of consultant such as labor, material, job overhead, and profit markup; but also includes any costs for modifications or changes in sequence of work to be performed, delays, rescheduling, disruption, extended direct overhead or general overhead, acceleration, material or other escalation which include wages and other impact costs.

Consultant hereby waives, fully releases, discharges and acquits Miami-Dade County of any and all liability for claims, additional costs, and any requests for additional time arising out of the fulfillment of the contract and this change order from the date of the contract award to and including execution of this change order.

SUMMARY OF CONTRACT AMOUNT / TIME

ORIGINAL CONTRACT AMOUNT	$1,802,841
COST OF CHANGES PREVIOUSLY ORDERED	$698,631
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE	$2,501,472
COST OF CHANGES WITH THIS DOCUMENT	$450,000
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE	$2,951,472
PERCENT INCREASE WITH THIS CHANGE	18%
TOTAL PERCENT INCREASE TO DATE	64%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	1,530 / 0 / 1,095
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	0 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE	2,625

CERTIFYING STATEMENT: The Consultant certifies that the changes and supporting cost data included is in its considered opinion necessary and accurate and that the prices quoted are fair and reasonable.

Accepted by: Organization	**Name:**	**Title:**	**Date:**
Bermello, Ajamil & Partners, Inc.	William A. Bermello	Consultant	4/25/14
Surety:	N/A	**Surety**	N/A

Title:	Name:	Date:
Approved By: **County Attorney** (for legal sufficiency)	_____	_____
Approved By: **County Mayor**	_____	_____
Attested By: **Clerk of the Board**	_____	_____

Description of Work Authorized: (Continued)

Amendment No. 1 to the design contract with consultant B&A was approved by the Board via Resolution 1078-10. This revised scope of work included enclosure of the first floor atrium lobby in order to provide air conditioning, lighting, fire alarm and sprinkler systems; and an additional 10,000 square feet of space on two floors requested by the Administrative Office of the Courts.

The project was bid out for general contractor services with a scope including a new, freestanding courthouse annex building, a new parking garage, and improvements to the atrium space. After the bidding and award for a construction contract rendered bids in excess of 45% over the authorized project budget, the County rejected all bids. Due to budgetary constraints, a subsequent reassessment of the project's programmatic needs was held. The County determined that separate solicitations were necessary for the courthouse and the new parking garage. Proposals for the construction of a new parking garage were received on November 22, 2013, and a recommendation for award of the construction contract has been made under the Mayor's delegated authority, which is currently under bid protest. The parking garage is essential to the overall project, in order to accommodate the increase in public assembly to the Caleb Center when the project is complete.

The courtroom component is moving forward under Amendment No. 2, reutilizing the original design and programming approved by the Courts in combination with improvements to the atrium space that were authorized through Amendment No. 1. The scope of Amendment No. 2 includes, but is not limited to, the following:

- Development and construction of two courtrooms on the second floor of the Caleb tower, with related judges' chambers and bailiff spaces;
- Renovations to the third floor office areas, which will house supporting agencies to the Court functions;
- Renovation of the tower's seventh floor, which now houses the offices of Commissioner Edmonson and staff, and the Historic Hampton House offices;
- Safety enhancements to the existing surface parking area alongside the southwest façade of the Caleb Center to include re-grading, new drainage, new lighting, and re-striping of the parking spaces; increased parking capacity and safety will be necessary in order to accommodate the increase in visitors due to the two new courtrooms on the second floor.

Once the re-design is finalized, and the permitted plans are bid out for construction, the project is estimated to be substantially completed in December 2015.

Time Justification Declaration:

A time extension is provided for additional work performed outside the scope of the original Contract that affects the critical path schedule of the contracted work or previously approved changes. Should additional work be required which does not affect the critical path schedule, no time extension will be granted. Should one item of additional work run concurrent with another item of additional work, only time not duplicated can be provided.