Memorandum

MIAMI-DADE COUNTY

Date: September 1, 2015

Agenda Item No. 3(B)(8)

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Ratifying Award of a Non-Exclusive Professional Services Agreement Related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance pursuant to Section 2-8.2.12 of the Miami-Dade County Code

---

Recommendation

It is recommended that the Board of County Commissioners (Board) ratify the award of a non-exclusive professional services agreement by the County Mayor or County Mayor's designee, as authorized under Section 2-8.2.12 of the Miami-Dade County Code related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance (WASD Acceleration Ordinance) for the funded project identified below and on Exhibit A, as attached.

Multi-Year Capital Plan Project

Item 1 - Recommendation to Award: Professional Cost Estimating and Scheduling Services. The item requests ratification of a non-exclusive professional services agreement in the amount of $11,000,000 with a total contract term of eight (8) years and one (1) four-year option-to-renew to Atkins North America, Inc. The County Mayor or County Mayor's designee has the authority to approve the one (1) four-year option-to-renew for an additional $5,000,000.

Scope

The commission district of the project locations is noted on Exhibit A. The capital projects awarded through WASD's Acceleration Ordinance have a countywide impact.

Fiscal Impact/Funding Source

The fiscal impact and funding source for the project in this item is detailed on Exhibit A and the other accompanying attachments.

Track Record/Monitoring

WASD's Deputy Director of Capital Improvements and Regulatory Compliance, Juan Carlos Arteaga, AIA, NCARB, will oversee the implementation of this project.

Background

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor or County Mayor's designee to award contracts for funded capital projects and related goods and services, and to accelerate the approval of WASD's (1) Consent Decree projects and (2) projects identified in WASD Multi-Year Capital Plan's Capital Improvements Program without the need for prior Board approval but subject to ratification by the Board.

The accelerated approval process provided through WASD's Acceleration Ordinance reduces the time period to award a contract by approximately 60 days in order to assist WASD in meeting Consent Decree deliverables implementation deadlines and rehabilitation project deadlines and begin work on its Multi-Year Capital Improvements Program projects.

Exhibit A and the accompanying attachments include the details of the competitively bid award for which ratification is being requested. Exhibit A contains the information bulleted below for each contract award:

- Item Number
- Department Name
- Type of Solicitation
- Contract Type
- Contract No. / Project No.
- Project Name
- Firm Awarded
- Commission District
- Contract Amount
- Funding Source(s)
- Operations and Maintenance Costs
- Estimated Start Date/Estimated End Date
- Contract Measures: SBE Goods & Services; SBE-A/E; SBE-Construction; and CWP Program
- Brief Project Description

The contract listed in this memorandum is executed by the County Mayor or County Mayor's designee in accordance with WASD's Acceleration Ordinance, a copy is available upon request from the Department's Intergovernmental Affairs Division.

Attachments

Jack Osterholf
Deputy Mayor

Exhibit A

Ratification of Contract Awards Authorized by the WASD Accelerate Ordinance

Item Number	Dept. Name	Type of Solicitation	Contract Type	Contract No. / Project No.	Project Name	Firm Awarded	Commission District	Contract Amount	Funding Source(s)	Operations and Maintenance Costs	Est. Start Date / Est. End Date	Contract Measures: SBE Goods & Services	Contract Measures: SBE A/E	Contract Measures: SBE Construction	Contract Measures: CWP Program	Brief Project Description
1	WASD	County Bid Process	Notice to Professional Consultants	Agreement No. 15ANAI001 Project No. E14-WASD-02	Professional Cost Estimating and Scheduling Services	Atkins North America, Inc.	Project is Countywide	$11,000,000 (and an additional $5,000,000 for the one (1) four-year option-to-renew, if approved by the County Mayor or County Mayor's designee)	WASD Operating Revenues	n/a	Estimated Start Date: 06/30/2015 Estimated End Date: 06/30/2027, this includes the initial term of eight (8) years, with a one (1) four-year option-to-renew	0.05%	30%	n/a	n/a	The scope of work includes but is not limited to the provision of professional cost estimating, project controls and scheduling services to make sure that all capital improvement projects not related to the Consent Decree, Ocean Outfall and Pump Station Improvement Programs are budgeted, funded, monitored and scheduled correctly.
2																
3																
4																

Total Dollar Value of Awards: $11,000,000

CLERK OF THE BOARD
2015 JUN 25 AM 10: 42
CLERK, CIRCUIT & COUNTY CTS
MIAMI-DADE COUNTY, FLA.
#1

Memorandum

MIAMI-DADE COUNTY

Date: June 24, 2015

To: Lester Sola, Director
Water and Sewer Department

From: Zaba S. Castro, Esq.
Assistant Director
Legislative and Municipal Affairs

Subject: Recommendation approving award of a Non-Exclusive Professional Services Agreement to Atkins North America, Inc., for Professional Cost Estimating and Scheduling Services - Project No: E14-WASD-02; Agreement No.15ANAI001

RECOMMENDATION:

Pursuant to the Miami-Dade Water and Sewer Department (WASD) Consent Decree and Capital Improvement Programs Acceleration Ordinance, Section 2-8.2.12 of the Code of Miami-Dade County, it is recommended that the County Mayor or Mayor's designee approve the attached non-exclusive professional services agreement to Atkins North America, Inc. (Atkins) for Professional Cost Estimating and Scheduling Services, Project No: E14-WASD-02, Agreement No. 15ANAI001. The total compensation amount is $11,000,000 including a ten percent (10%) contingency for the initial eight (8) year contract term. An additional $5,000,000 for the optional four (4) year renewal period may be approved by the Mayor or Mayor's designee.

DELEGATION OF AUTHORITY:

The County Mayor or Mayor's designee is authorized to amend and execute the Agreement. The Agreement provides the County Mayor or Mayor's designee the ability to terminate the Agreement and resolve disputes. Pursuant to the provisions of Sections 2-8.2.12 (4)(d) and (e) of the Code, the County Mayor or Mayor's designee has the authority to amend and/or extend the Agreement to complete any unfinished work, waive liquidated damages, negotiate and settle claims; and execute change orders that do not exceed ten percent (10%) of the base contract amount.

PROJECT NAME:

WASD Professional Cost Estimating and Scheduling Services

PROJECT DESCRIPTION:

The services to be provided by Atkins will be related to and used in association with current construction projects, projects in design, projects in planning, and proposed construction projects, such projects being a part of the County's infrastructure system and its Capital Improvement Program (CIP). Atkins will be tasked with the responsibility to prepare, update and validate on an on-going basis the overall program schedule for all of WASD's CIP projects and also at the request of WASD, at any given time, Atkins may be required to provide specific services for one (1) or more than one (1) project. Atkins will also be required

to evaluate construction claims arising from any of the other CIP projects managed by in-house staff as directed by WASD. Services to be provided by Atkins may include, but are not limited to, the following:

A. Prepare project estimates at various stages of construction, establish budgets, prepare cost escalations, analyze bids, assess proposals, participate in negotiations, and support project coordination, pre-construction services and administration.
B. Prepare and analyze project schedules using Primavera Project Planner (latest version), and other software as required, at various levels of planning, funding, design and construction. Atkins will support the development of the overall program schedule, individual contract schedules, and requirements. Atkins will also review contractors' schedules, delay claims and time impact analyses.
C. Provide cost and cash flow projections for funding needs.
D. Assist in providing offerings.
E. Support modification of procedures, processes and systems to meet evolving needs and departmental goals.
F. Analyze monthly schedules, track progress and timely completion of construction projects and prepare recommendations as a result of such analyses.
G. Recommend language to be included in the contract documents relating to schedules, payments and claims to allow for project completion.
H. Upon request of WASD, analyze/evaluate claims arising from the design and construction of projects including, but is not limited to, the following services:
    1. Review and organize relevant project schedules, cost estimates, and claim information.
    2. Prepare and present reports, diagrams, sketches, illustrations, and spreadsheets.
    3. Identify crucial documents to assist in claims processing.
    4. Analyze the impact of delays, inefficiencies, interferences and schedule accelerations by use of claims analysis methodologies such as windows or time impact analyses.
    5. Prepare project schedules (as planned, as built and as adjusted).
    6. Formulate cost estimates for disputed items.
    7. Prepare detailed reviews of existing projects, costs and contractor/consultant costs regarding performance, problems and delays.
    8. Prepare a chronological list of major problems and delays segregated by cause (owner, contractor or other).
    9. Calculate damages and assist in the development of back charges.
    10. Write technical reports, prepare evidentiary tools, and design and construct demonstration models.
    11. Review and coordinate claim findings with WASD staff.
    12. Recommend procedures to be undertaken to minimize the impacts of continuing actions for which claims have been asserted.
    13. Participate in meetings and provide WASD staff with claim evaluations, time impact analysis and recommendations, as it relates to contractor claims.

Atkins will not be considered for any future WASD design projects under this agreement for the duration of the contract term and any option-to-renew periods.

PROJECT LOCATION:
Throughout Miami-Dade County

SMALL BUSINESS DEVELOPMENT (SBD)

REVIEW DATE: 10/30/2014
SIGNOFF DATE: 11/15/2014

SBD REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:

TYPE	GOAL	COMMENT
SBE-Architectural/Engineering	30.00%	Implementing Order 3-32
SBE-Goods and Services	0.05%	Implementing Order 3-41

PROJECT TECHNICAL CERTIFICATION REQUIREMENTS:

Type	Code	Description
Prime	6.01	WATER AND SANITARY SEWER SYSTEMS - WATER DISTRIBUTION AND SANITARY SEWAGE COLLECTION AND TRANSMISSION SYSTEMS
Prime	6.02	WATER AND SANITARY SEWER SYSTEMS - MAJOR WATER AND SANITARY SEWAGE PUMPING FACILITIES
Prime	6.03	WATER AND SANITARY SEWER SYSTEMS - WATER AND SANITARY SEWAGE TREATMENT PLANTS
Other	17.00	ENGINEERING CONSTRUCTION MANAGEMENT
Other	18.00	ARCHITECTURAL CONSTRUCTION MANAGEMENT
Other	19.06	VALUE ANALYSIS AND LIFE-CYCLE COSTING - WATER AND SANITARY SYSTEMS
Other	26.00	CLAIMS ANALYSIS SERVICES

SUBCONSULTANTS:

The chart below indicates the list of Subconsultants that will be utilized under this Agreement. The chart also shows which of those Subconsultants are being used to meet the Small Business Enterprise Architectural/Engineering goal of thirty percent (30%) and point zero five percent (0.05%) for Goods and Services. Attached as Exhibit A are the "Letters of Agreement".

SUBCONSULTANTS	SBE GOAL	SERVICES
Program Controls, Inc.	30.00%	6.01- WATER AND SANITARY SEWER SYSTEMS - WATER DISTRIBUTION AND SANITARY SEWAGE COLLECTION AND TRANSMISSION SYSTEMS 6.02- WATER AND SANITARY SEWER SYSTEMS - MAJOR WATER AND SANITARY SEWAGE PUMPING FACILITIES 6.03- WATER AND SANITARY SEWER SYSTEMS - WATER AND SANITARY SEWAGE TREATMENT PLANTS 17.00- ENGINEERING CONSTRUCTION MANAGEMENT 19.06- VALUE ANALYSIS AND LIFE-CYCLE COSTING - WATER AND SANITARY SYSTEMS 26.00- CLAIMS ANALYSIS SERVICES
M.C.O. Construction and Services, Inc.	1%	COST ESTIMATING
U.S. Cost Incorporated (d/b/a RIB U.S. Cost)	0%	26.00 CLAIMS ANALYSIS SERVICES

APPLICABLE WAGES: No

MANDATORY CLEARING HOUSE: No

PRIMARY COMMISSION DISTRICT: Various Districts

APPROVAL PATH:
Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance Section 2-8.2.12 of the Code of Miami-Dade County.

MANAGING DEPARTMENT: Miami-Dade Water and Sewer Department

FISCAL IMPACT / FUNDING SOURCE:
WASD Operating Revenues

PTP FUNDING: No

GOB FUNDING: No

ARRA FUNDING: No

SUSTAINABLE BUILDINGS ORDINANCE: (Ord. No. 07-65)
This project does not qualify for compliance with the Sustainable Buildings Ordinance

TOTAL CONTRACT PERIOD:
The initial contract term is eight (8) years. The County Mayor or Mayor's designee has the authority to approve one (1) four (4) year option-to-renew for an additional $5,000,000.

IG FEE INCLUDED IN BASE CONTRACT: Yes

ART IN PUBLIC PLACES: No

BASE CONTRACT AMOUNT:	$10,000,000	
CONTINGENCY ALLOWANCE:	$ 1,000,000	Contingency Allowance fee in accordance with Ordinance 00-65.
OPTION-TO-RENEW:	$ 5,000,000	One (1) four (4) year option-to-renew.
TOTAL CONTRACT AMOUNT:	$16,000,000	

SEA LEVEL RISE (Ord. No. 14-79):
The impact of sea level rise will be considered as part of the design.

TRACK RECORD / MONITOR/SBD HISTORY OF VIOLATIONS:
None - Due diligence was conducted by WASD and the Internal Services Department (ISD) in accordance with ISD's Procurement Guidelines to determine responsibility, including verifying corporate status and performance and compliance data. The lists that were reviewed include:

convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to Atkins responsibility. This information is being provided pursuant to Resolution R-187-12.

EXPLANATION:
On December 23, 2014, a Notice to Professional Consultants (NTPC) was issued under a full and open competition. On January 15, 2015, the Clerk of the Board received three (3) proposals in response to this solicitation.

First-Tier:
At the First-Tier "Evaluation of Qualifications" meeting held on March 9, 2015, the Competitive Selection Committee (CSC) reviewed the three (3) proposals received. At this meeting, it was determined that three (3) firms met the minimum qualifications and demonstrated their relevant experience with the project as required by the NTPC. The CSC ranked Atkins as the highest ranking firm (see below) and recommended to negotiate the contract with Atkins.

Firm	Total Qualitative Scores	Total Ordinal Scores	Ordinal Ranking
Atkins North America, Inc.	445	3	1
Arcadis U.S., Inc.	430	6	2
PMA Consultants, L.L.C.	403	9	3

The Negotiation Committee was approved by the County Mayor on March 19, 2015. On April 20, 2015, the Negotiation Committee had its first negotiation meeting and concluded its negotiations on June 2, 2015.

The Negotiation Committee also approved a First Task Service Order for a total amount of $1,458,985.39 (attached as Exhibit B).

Lump Sum Tasks	$ 582,625.39
Time and Material Tasks with Reimbursable Expenses	$ 876,360.00
Grand Total First Task	$1,458,985.39

Based on ISD's Capital Improvements Information System database, Atkins has twenty-three (23) previous evaluations with an average 3.8 rating out of a possible total 4.0 points (attached as Exhibit C).

SUBMITTAL DATE: 12/15/2014

ESTIMATED NOTICE TO PROCEED: 06/30/2015

A/E COMPANY: Atkins North America, Inc.

PRINCIPAL/COMPANY QUALIFIERS: Diego Clavijo

EMAIL ADDRESS: diego.clavijo@atkinsglobal.com

COMPANY ADDRESS: 2001 N.W. 107 Avenue,
Miami, Florida 33172

YEARS IN BUSINESS: 55 years

PREVIOUS CONTRACTS AWARDED WITH THE COUNTY IN THE PAST FIVE (5) YEARS:
According to the Firm History Report provided by ISD, Division of Small Business Development, Atkins has been awarded thirteen (13) contracts with Miami-Dade County, with a total contract value of $8,558,562 and one (1) change order approved by the Board of County Commissioners for $24,630 (attached as Exhibit D).

MINIMUM QUALIFICATIONS EXCEED LEGAL REQUIREMENTS: Yes

A. The Prime Consultant must demonstrate five (5) years from the date of this solicitation of successful and verifiable experience in providing cost estimating and scheduling services.
B. The Prime Consultant must demonstrate experience in the fields of forensic scheduling, cost estimate validation, change order management, cost estimating, critical path method scheduling, claims management, and dispute resolution. The firm should be up to date with the latest versions of scheduling and estimating industry software such as Primavera, Claim Digger, Microsoft Project, Building Information Modeling 4D, Hard Dollar.
C. The Prime and/or the Subconsultants must have successfully completed at least one (1) cost estimating or scheduling project, in excess of $500,000,000 from the date of this solicitation.
D. The Principals and/or senior staff assigned to this engagement shall have one (1) or more of the following credentials: Certified Cost Engineer, Planning and Scheduling Professional, and Project Management Professional through Project Management Institute, American Association of Cost Engineering or a similar professional association. Experience and knowledge of the South Florida construction market is preferred.

CONTRACT MANAGER NAME/PHONE/EMAIL:
Patty David / 786-552-8040 / pattyd@miamidade.gov

PROJECT MANAGER NAME/PHONE/EMAIL:
Howard Fallon / 786-552-8225 / hjfal01@miamidade.gov

BACKGROUND:
WASD manages its CIP construction program and requires the services of an experienced and qualified firm to provide professional cost estimating, project controls and scheduling services to ensure that all of the other CIP projects (not related to Consent Decree, Ocean Outfall Legislation and/or Pump Station Improvement Programs) are accurately budgeted, funded, monitored and scheduled. These services will be required for all of the other CIP projects that are being implemented, including Growth and Development, Renewal and Replacement, Infiltration and Inflow among other CIP projects related to the WASD requirements.

Signature Page
Non-Exclusive Professional Services Agreement to Atkins North America, Inc., for Professional Cost Estimating and Scheduling Services
Project No: E14-WASD-02; Agreement No.15ANAI001

6/24/15

Jennifer Moon, **Date**
OMB Director

Sarah E Davis 6/16/15

Sarah E. Davis, **Date**
Assistant County Attorney

Lester Sola on behalf of Mayor Carlos A. Gimenez **Date** 6/24/15

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 1, 2015

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

SUBJECT: Agenda Item No.3(B)(8)

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. 3(B)(8)
9-1-15

RESOLUTION NO. _____

RESOLUTION RATIFYING THE AWARD BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE OF A NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT TO ATKINS NORTH AMERICA, INC. FOR PROFESSIONAL COST ESTIMATING AND SCHEDULING SERVICES, PROJECT NO. E14-WASD-02, AGREEMENT NO. 15ANAI001, FOR AN EIGHT-YEAR TERM IN AN AMOUNT NOT TO EXCEED $11,000,000.00 WITH ONE FOUR-YEAR OPTION TO RENEW IN AN AMOUNT NOT TO EXCEED $5,000,000.00, AWARDED PURSUANT TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE, SECTION 2-8.2.12 OF THE COUNTY CODE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED 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 ratifies the award, as authorized by Section 2-8.2.12 of the Code of Miami-Dade County, by the County Mayor and County Mayor's designee of a Non-Exclusive Professional Services Agreement to Atkins North America, Inc. for Professional Cost Estimating and Scheduling Services, Project No. E14-WASD-02, Agreement No. 15ANAI001, for an eight-year term in an amount not to exceed $11,000,000.00 with one four-year option to renew in an amount not to exceed $5,000,000.00; and authorizes the County Mayor or County Mayor's designee to exercise the provisions contained therein, including the option to renew and termination provisions, as set forth in the accompanying

memorandum. The contract documents are on file with and are available upon request from the Intergovernmental Affairs Division of the Miami-Dade Water and Sewer Department.

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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

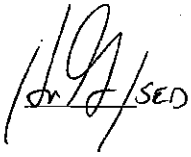
The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.



Sarah E. Davis