

Memorandum



Date: June 4, 2019

Agenda Item No. 8(0)(2)

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

A handwritten signature in black ink, appearing to read "Carlos A. Gimenez".

Subject: Resolution Approving Amendment Number Two to Non-Exclusive Professional Services Agreement Number 13NCI001 with Nova Consulting, Inc. for Miami-Dade Water and Sewer Department's Project No. E13-WASD-02R

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution authorizing execution of Amendment Number Two to Miami-Dade Water and Sewer Department's (WASD) Non-Exclusive Professional Services Agreement Number 13NCI001 (Agreement); Project No. E13-WASD-02R with Nova Consulting, Inc. (Nova), a small business enterprise woman-owned firm, for Program and Construction Management Services for the County's Wastewater Pump Station Improvement Program. Under the leadership of Nova as the Program Manager, the team is successfully administering each aspect of the Pump Station Improvement Program (PSIP) and is managing the upgrade of pump stations out of compliance with the United States Environmental Protection Agency (USEPA) mandate requirements, which is stimulating growth in the local economy.

Amendment Number Two increases the total compensation by \$5,150,000, from \$25,600,000 to \$30,750,000, with no time extension. The Agreement has an expiration date of December 30, 2020.

Delegation of Authority

The authority of the County Mayor or County Mayor's designee to execute and implement Amendment Number Two to Agreement No. 13NCI001 is consistent with those authorities granted under the Code of Miami-Dade County.

Scope

The Pump Station Improvement Program has countywide significance as pump stations are located throughout the County.

Fiscal Impact/Funding Source

The increase in total compensation in Amendment Number Two will be funded by a combination of WASD Revenue Bonds Sold, Wastewater Connection Charges, and Future WASD Revenue Bonds. The budget project number is 9651071: Pump Station Improvement Program Adopted Fiscal Year 2018-2019, Capital Book page number 59 (See Exhibit "A" as attached).

Track Record/Monitor

WASD's Deputy Director Hardeep Anand, P.E. will monitor the implementation of Amendment Number Two.

Background

Pursuant to Section 24-42.3 of the Miami-Dade County Code, WASD established a PSIP for performing upgrades to wastewater pump stations that are placed under moratorium due to non-compliance with USEPA mandates and the Florida Department of Environmental Protection requirements. The operational criteria established for wastewater pump stations mandates that any wastewater pump station that exceeds the nominal operating time of 10 hours per day must be rehabilitated or remediated. A building permit will not be issued for connections to the wastewater collection system upstream of that pump station until the needed improvements are successfully completed, and the pump station is certified as capable of meeting the 10 hour per day operational criteria.

On December 17, 2013, the Board adopted Resolution No. R-1061-13, which approved award of Agreement No. 13NCI001 to Nova, a small business enterprise woman-owned firm, for a total amount of \$17,600,000 and a contract term of five years with one two-year option to renew. Under the Agreement's scope of work, Nova was to provide design and construction management and inspection services for the PSIP, in order to bring into compliance 112 County-owned wastewater pump stations. This compliance work entailed 94 pump station projects and 25 force main projects, which included infiltration and inflow repairs. To date, projects have been constructed exclusively by Small Business Enterprise (SBE) firms that participate in the County's Miscellaneous Construction Contracts Program (MCC7040).

On May 22, 2017, the Board approved Amendment Number One to Nova by Resolution No. R-533-17, which increased the total compensation by \$8,000,000 and brought total award for the Agreement to \$25,600,000. Amendment One also exercised the two-year option-to-renew, which extended the term of the Agreement to December 30, 2020. Amendment Number One included 28 new projects that required permitting, public outreach activities, and the management of more small businesses contractors than originally anticipated.

Amendment Number Two provides Nova with the contract capacity to continue to manage the upgrade of non-compliant pump stations to bring the PSIP to successful completion. The increase in cost was associated with unforeseen factors such as force majeure (e.g., hurricanes); project impacts associated with power utilities infrastructure upgrades, which postponed the start of construction and/or the completion of pump station upgrades; permitting and other regulatory impacts, which have also affected the construction schedule; and project re-assignments due to construction contract terminations. These factors impacted 36 out of the 147 projects that comprised Amendment Number One. These impacts to project schedules result in additional compensation for program and construction management and inspections services as it requires oversight for longer time than originally anticipated, thus increasing the cost of the Nova contract.

Additionally, Amendment Number Two will include supervision of various projects to bring into compliance six additional County-owned wastewater pump stations; public outreach and community involvement services; review and inspection of diving plans and dive observation during construction; and the review of safety and hurricane plans. All pump stations will undergo aesthetic improvements and will be in compliance with Resolution No. R-898-15.

To date, Nova has overseen 91 percent of the design work and 72 percent of the construction work of the 147 projects that comprise the PSIP. Nova has overseen the certification and/or completion of 99 pump stations and force main projects. Additionally, eight projects are scheduled for certification by July 2019, 15 projects will be certified by December 2019, and the remaining 25 projects currently in procurement or in the design phase will be completed under this Agreement.

The completed and certified PSIP projects have allowed for new developments throughout Miami-Dade County to proceed with a total value of \$586.5 million, which represents 19 million square feet of new residential and commercial buildings and which has generated about \$2.65 million in permit fees to Miami-Dade County and local municipalities. In addition, it is estimated that these new developments will create up to 5,400 indirect local jobs; will generate additional tax revenue to Miami-Dade County in the next 10 years; and will increase the WASD customer base.

The PSIP Team is comprised of 30 percent Nova direct employees and 70 percent subconsultants from five firms, three of which are small business certified firms and comprise over 95 percent of the total PSIP staff.

Company Principal/Headquarters in Miami-Dade County Address:	Nova Consulting, Inc. 10486 N.W. 31 Terrace Miami, Florida 33172
Total Number of Employees:	39
Percentage of vendor employees who reside in Miami Dade County as compared to Vendor's total workforce per R-1011-15:	100 percent
Principal Company Qualifiers:	Maria J. Molina, P.E., President
How Long in Business:	24 Years
Previous Agreements with the County Within the Past Three (3) Years Per R-421-16:	According to the Firm History Report provided by the Internal Services Department's (ISD) Division of Small Business Development, Nova has been awarded five contracts with Miami-Dade County with a total contract value of \$8,378,438 and one change order in the amount of \$8,000,000 (See Exhibit "B" as attached).
County Evaluations within the Past Three Years Per R-421-16:	Based on ISD's CIIS database, Nova has 28 evaluations with an average rating of 3.9 points out of a maximum score of 4.0 points (See Exhibit "C" as attached).
Original Term of Agreement:	Five years with one two-year option-to-renew.

Modified Term of Agreement:	No change. The two-year option-to-renew was approved by the Board on May 22, 2017. The Agreement expiration date is December 30, 2020.
Original Amount of Agreement:	\$17,600,000
Modification Amount of Amendment Number One:	\$ 8,000,000
Modification Amount of Amendment Number Two:	\$ 5,150,000
Total Contract Amount:	\$30,750,000
Percent Increase Per Amendment Number Two:	20 percent

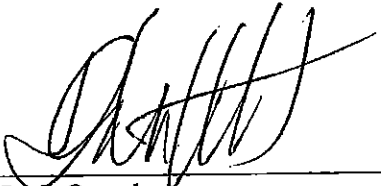
Subconsultants:

300 Engineering Group, P.A. (SBE Certified); BND Engineers, Inc. (SBE Certified); Avino & Associates, Inc. (SBE Certified); Bermello, Ajamil & Associates, Inc. and Stantec Consulting Services, Inc.

Small Business Development:

The Small Business Enterprise (SBE) goal participation of 29 percent of Architectural and Engineering services was assigned to the Agreement and to Amendment Number One and shall be applied to Amendment Number Two.

Additionally, Resolution No. R-1001-15 requires 85 percent of the SBE goal applicable to the portion of the contract work performed to date to be met before the Board considers a change order/amendment. SBD verified that Nova is currently in compliance with the 85 percent requirement based on work performed - requisitioned (See Exhibit "D" as attached).



Jack Osterholt
Deputy Mayor

EXHIBIT A

FY 2018 - 19 Adopted Budget and Multi-Year Capital Plan

PUMP STATION RESILIENCE PROGRAM (PSRP)

PROJECT #: 2000000784

DESCRIPTION: Implement a pump station resiliency program to improve pump stations systemwide
 LOCATION: Systemwide
 Various Sites

District Located: Countywide
 District(s) Served: Countywide

REVENUE SCHEDULE:	PRIOR	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	FUTURE	TOTAL
Future WASD Revenue Bonds	0	13,578	18,587	24,719	25,363	27,017	41,235	150,558	301,057
WASD Revenue Bonds Sold	9,048	0	0	0	0	0	0	0	9,048
Wastewater Connection Charges	54,002	0	0	0	0	0	0	0	54,002
TOTAL REVENUES:	63,050	13,578	18,587	24,719	25,363	27,017	41,235	150,558	364,107
EXPENDITURE SCHEDULE:	PRIOR	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	FUTURE	TOTAL
Construction	54,577	11,813	16,171	21,506	22,066	23,505	35,875	130,985	316,498
Land Acquisition/Improvements	1,080	136	186	247	254	270	412	1,506	4,091
Major Machinery and Equipment	2,980	679	929	1,236	1,268	1,351	2,062	7,528	18,033
Planning and Design	4,413	950	1,301	1,730	1,775	1,891	2,886	10,539	25,485
TOTAL EXPENDITURES:	63,050	13,578	18,587	24,719	25,363	27,017	41,235	150,558	364,107

PUMP STATIONS - GENERATORS AND MISCELLANEOUS UPGRADES

PROJECT #: 9652002

DESCRIPTION: Install emergency generators and construct miscellaneous upgrades at wastewater pump stations
 LOCATION: Systemwide
 Various Sites

District Located: Systemwide
 District(s) Served: Systemwide

REVENUE SCHEDULE:	PRIOR	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	FUTURE	TOTAL
Future WASD Revenue Bonds	0	1,750	1,424	2,205	3,863	453	2,000	0	11,695
TOTAL REVENUES:	0	1,750	1,424	2,205	3,863	453	2,000	0	11,695
EXPENDITURE SCHEDULE:	PRIOR	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	FUTURE	TOTAL
Construction	0	1,557	1,267	1,963	3,438	403	1,780	0	10,408
Major Machinery and Equipment	0	70	57	88	155	18	80	0	468
Planning and Design	0	123	100	154	270	32	140	0	819
TOTAL EXPENDITURES:	0	1,750	1,424	2,205	3,863	453	2,000	0	11,695

PUMP STATIONS - IMPROVEMENT PROGRAM

PROJECT #: 9651071

DESCRIPTION: Upgrade pump stations systemwide to meet departmental forecasted demands
 LOCATION: Systemwide
 Various Sites

District Located: Systemwide
 District(s) Served: Systemwide

REVENUE SCHEDULE:	PRIOR	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	FUTURE	TOTAL
Future WASD Revenue Bonds	0	0	2,241	17,000	15,000	0	0	0	34,241
WASD Revenue Bonds Sold	87,335	0	0	0	0	0	0	0	87,335
Wastewater Connection Charges	10,302	9,956	18,458	0	0	0	0	0	38,716
Wastewater Renewal Fund	351	0	0	0	0	0	0	0	351
TOTAL REVENUES:	97,988	9,956	20,699	17,000	15,000	0	0	0	160,643
EXPENDITURE SCHEDULE:	PRIOR	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	FUTURE	TOTAL
Construction	78,617	23,931	19,664	16,150	14,250	0	0	0	152,612
Planning and Design	4,136	1,260	1,035	850	750	0	0	0	8,031
TOTAL EXPENDITURES:	82,753	25,191	20,699	17,000	15,000	0	0	0	160,643



MIAMI DADE COUNTY
Small Business Development
A&E Firm History Report
From: 03/01/2016 To: 03/19/2019

PRIMES

FIRM NAME: NOVA CONSULTING, INC.
10486 NW 31st Ter
Doral, FL 33172-0000

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
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E14-MDAD-02	1	AV	SET ASIDE TIER 2 (W/EXEMPT) CBE 100%	04/06/2016	\$1,428,438.00
INSPECTION SERVICES AND ENVIRONMENTAL OVERSIGHT					
E14-RER-01	1	PE	SET ASIDE TIER 2 CBE 93%	07/06/2016	\$3,300,000.00
ENVIRONMENTAL CLEANUP, COMPLIANCE AND RELATED SERVICES FOR MIAMI-DADE COUNTY FACILITIES					
EDP-AV-P256A	1	AV	NO MEASURE	02/01/2017	\$100,000.00
MIA TAXIWAYS VE					
E16-WASD-03A	1	WS	SET ASIDE CBE 100%	12/05/2017	\$3,300,000.00
ENGINEERING DESIGN AND RELATED SERVICES FOR THE DESIGN OF SMALL DIAMETER WATER AND WASTEWATER PIPELINES FOR THE WATER AND SEWER DEPARTMENT'S WASTEWATER AND WATER COLLECTION, TRANSMISSION AND DISTRIBUTION SYSTEMS					
EDP-AV-V037A	1	AV	NO MEASURE	02/26/2018	\$150,000.00
AIRFIELD VALUE ANALYSIS					

EXHIBIT B

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



MIAMI DADE COUNTY
Small Business Development
A&E Firm History Report

From: 03/01/2016 To: 03/19/2019

PRIMES

FIRM NAME: NOVA CONSULTING, INC.
 10486 NW 31st Ter
 Doral, FL 33172-0000

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
Total Award Amount:				\$8,278,438.00	
Total Change Orders Approved by BCC:				\$8,000,000.00	

7

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



Capital Improvements Information System
Contractor Evaluations Report (All Contracts)

Dept	Contract	Type	Contractor / Architect Name	Date	Rater	Period	Rate
AV	<u>E05-OCI-02.A</u>	PSA	<u>NOVA CONSULTING, INC.</u>	8/13/2014	Ralph Cutie	Completion of study or design	<u>3.8</u>
AV	<u>EDP-AV-SR-D175A</u>	EDP	<u>NOVA CONSULTING, INC.</u>	3/12/2009	Ronald Hume	Completion of construction	<u>3.5</u>
BU	<u>E05-OCI-02, A</u>	PSA	<u>NOVA CONSULTING, INC.</u>	10/13/2009	Augustin J Durand	Project conclusion or closeout	<u>4.0</u>
PE	<u>E14-RER-01-NOVA</u> <u>WO: 009-D14/01-NOVA</u>	PSA	<u>NOVA CONSULTING, INC.</u>	1/11/2018	Karina Martinez	Project conclusion or closeout	<u>3.5</u>
PE	<u>E14-RER-01-NOVA</u> <u>WO: 005-D14-01-NOVA</u>	PSA	<u>NOVA CONSULTING, INC.</u>	1/11/2018	Karina Martinez	Project conclusion or closeout	<u>3.7</u>
PE	<u>E14-RER-01-NOVA</u> <u>WO: 008-D14/01-NOVA</u>	PSA	<u>NOVA CONSULTING, INC.</u>	1/22/2018	Josue Carias	Project conclusion or closeout	<u>3.6</u>
PE	<u>E14-RER-01-NOVA</u> <u>WO: 001-D14/01-NOVA</u>	PSA	<u>NOVA CONSULTING, INC.</u>	8/8/2018	Josue Carias	Interim	<u>3.8</u>
PE	<u>E14-RER-01-NOVA</u> <u>WO: 002R1-D14/01-NO</u>	PSA	<u>NOVA CONSULTING, INC.</u>	8/6/2018	Josue Carias	Interim	<u>3.8</u>
PE	<u>E14-RER-01-NOVA</u> <u>WO: 002-D14/01-NOVA</u>	PSA	<u>NOVA CONSULTING, INC.</u>	8/6/2018	Josue Carias	Interim	<u>3.8</u>
PE	<u>E14-RER-01-NOVA</u> <u>WO: 003-D14/01-NOVA</u>	PSA	<u>NOVA CONSULTING, INC.</u>	8/6/2018	Josue Carias	Project conclusion or closeout	<u>3.8</u>
PE	<u>E14-RER-01-NOVA</u> <u>WO: 006-D14/01-NOVA</u>	PSA	<u>NOVA CONSULTING, INC.</u>	8/6/2018	Josue Carias	Project conclusion or closeout	<u>3.7</u>
PE	<u>E14-RER-01-NOVA</u> <u>WO: 006R1-D14/01/NO</u>	PSA	<u>NOVA CONSULTING, INC.</u>	11/20/2018	Josue Carias	Project conclusion or closeout	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	6/14/2018	Rolando M Roque	Completion of study or design	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	7/17/2015	Rolando M Roque	Interim	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	9/30/2015	Rolando M Roque	Interim	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	2/18/2015	Rolando M Roque	Interim	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	7/17/2015	Rolando M Roque	Interim	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	1/7/2015	Rolando M Roque	Interim	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	3/29/2016	Rolando M Roque	Interim	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	3/28/2016	Rolando M Roque	Interim	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	3/30/2016	Rolando M Roque	Interim	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	7/1/2016	Rolando M Roque	Interim	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	8/5/2016	Rolando M Roque	Completion of study or design	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	3/3/2017	Rolando M Roque	Completion of study or design	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	4/6/2017	Rolando M Roque	Interim	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	4/26/2017	Rolando M Roque	Completion of study or design	<u>4.0</u>
WS	<u>E13-WASD-02</u>	PSA	<u>NOVA CONSULTING, INC.</u>	11/9/2017	Rolando M Roque	Completion of study or design	<u>4.0</u>

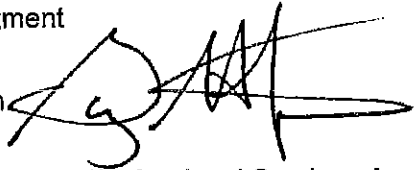
Evaluation Count: 28 Contractors: 1 Average Evaluation: 3.9

Memorandum



Date: April 11, 2019

To: Kevin Lynskey, Director
Miami-Dade Water and Sewer Department

From: Gary T. Hartfield, Director
Small Business Development Division
Internal Services Department 

Subject: Project No. E13-WASD-02R, Non-Exclusive Professional Services Agreement for Program and Construction Management Service for the Implementation of a Pump Station Improvement Program

Project No. E13-WASD-02R was awarded with a 29% Small Business Enterprise - Architectural and Engineering (SBE-A/E) goal. The 29% goal will apply to Amendment No. 2.

The project was reviewed for compliance with the 29% SBE-A/E goal valued at \$7,424,000. Resolution R-1001-15 requires 85% of the SBE goal applicable to the portion of the contract work performed to date be met before Board of County Commissioners (BCC) considers a change order/amendment. The prime consultant, Nova Consulting, Inc. (Nova) has requisitioned \$24,821,158 for work performed to date, requiring the SBE-A/E subs to have performed \$6,118,415 for compliance. The SBE-A/E sub-consultant meeting the goal has performed \$7,252,432 and been paid \$6,966,770 in compliance with Resolution R-1001-15.

Please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153 for additional information.

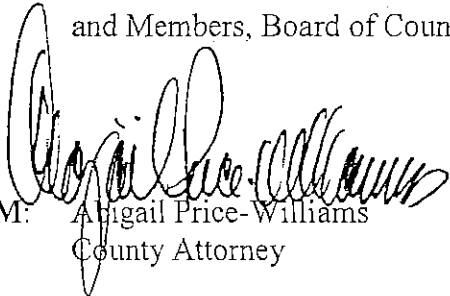
c: Doug Yoder, Deputy Director, WASD
Hardeep Anand, Deputy Director, WASD
Laura Verdaguer, Legislative and Municipal Affairs Manager, WASD
Margaret Moss, Chief, Small Business Initiatives, WASD
Edith Brown, Chief, Contract Compliance Division, WASD
Patty Palomo, Chief, Intergovernmental Affairs, WASD
Tracie August, SBD Section Chief, ISD
Laurie Johnson, SBD Section Chief, ISD
Alice Hidalgo-Gato, SBD Section Chief, ISD



MEMORANDUM
(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: June 4, 2019

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(O)(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
- Statement of social equity 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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 8(0)(2)

Veto _____

6-4-19

Override _____

RESOLUTION NO. _____

RESOLUTION APPROVING EXECUTION OF AMENDMENT NUMBER TWO TO NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT NO. 13NCI001, PROJECT NO. E13-WASD-02R, BETWEEN MIAMI-DADE COUNTY AND NOVA CONSULTING, INC. IN ORDER TO INCREASE TOTAL COMPENSATION BY \$5,150,000.00, THEREBY INCREASING THE TOTAL CONTRACT AMOUNT FROM \$25,600,000.00 TO \$30,750,000.00 IN ORDER TO ALLOW NOVA CONSULTING, INC. TO CONTINUE TO PROVIDE PROGRAM AND CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE PUMP STATION IMPROVEMENT PROGRAM; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND 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 hereby approves the execution of Amendment Number Two to the Non-Exclusive Professional Services Agreement No. 13NCI001, Project No. E13-WASD-02R, between Miami-Dade County and Nova Consulting, Inc. (hereinafter, "Amendment Number Two") in substantially the form attached hereto and made a part hereof. Amendment Number Two increases the contract award to Nova Consulting, Inc. by \$5,150,000.00 thereby bringing total compensation for Professional Services Agreement No. 13NCI001 up from \$25,600,000.00 to \$30,750,000.00 in order to allow Nova Consulting, Inc. to continue to provide program and construction management services related to the Pump Station Improvement Program projects. It is the intention of this Board that no further increases in compensation will be authorized for Professional Services Agreement No. 13NCI001.

The Board also hereby authorizes the County Mayor or County Mayor’s designee to execute the same and exercise the provisions contained therein for and on behalf of Miami-Dade County, Florida.

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:

- | | |
|--------------------------------|----------------------|
| Audrey M. Edmonson, Chairwoman | |
| Rebeca Sosa, Vice Chairwoman | |
| Esteban L. Bovo, Jr. | Daniella Levine Cava |
| Jose “Pepe” Diaz | Sally A. Heyman |
| Eileen Higgins | Barbara J. Jordan |
| Joe A. Martinez | Jean Monestime |
| Dennis C. Moss | Sen. Javier D. Souto |
| Xavier L. Suarez | |

The Chairperson thereupon declared this resolution duly passed and adopted this 4th day of June, 2019. 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.

SED

Sarah E. Davis

AMENDMENT NUMBER TWO
TO
NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT
BETWEEN MIAMI-DADE COUNTY
AND
NOVA CONSULTING, INC.

Agreement No. 13NCI001

THIS AMENDMENT NUMBER TWO is made and entered into the _____ day of _____, 2019, by and between Miami-Dade County, a political subdivision of the State of Florida (hereinafter referred to as the "COUNTY"), and NOVA CONSULTING, INC., a Florida corporation authorized to do business in the State of Florida and with offices in Miami-Dade County (hereinafter referred to as the "PROGRAM MANAGER" and collectively with the COUNTY, the "Parties").

WITNESSETH

WHEREAS, the Miami-Dade Water and Sewer Department, hereinafter referred to as the "Department", operates and maintains the COUNTY's water and sewer utility systems; and

WHEREAS, the Department established a Pump Station Improvement Program (PSIP) for upgrading the Wastewater Collection and Transmission System that includes pump stations and force mains pursuant to the Adequate Pumping, Transmission and Treatment Capacity Criteria codified in Section 24-42.3, Code of Miami-Dade County, and included in the Consent Decree with the United States Environmental Protection Agency (USEPA) and Florida Department of Environmental Protection, which requires each pump station to be certified as capable of meeting a Nominal Average Pump Operating Time of less than or equal to ten (10) hours per day. Pump stations exceeding the Nominal Average Pump Operating Time criteria must have a Remedial Action Plan; and

WHEREAS, on December 17, 2013, the Board of County Commissioners adopted Resolution R-1061-13 approving a Non-Exclusive Professional Services Agreement (hereinafter referred to as the "Agreement"), with the PROGRAM MANAGER for a total compensation amount of seventeen million six hundred thousand dollars (\$17,600,000), which includes a ten percent (10%) contingency allowance for a contract term of five (5) years and one (1) two (2) year option-to-renew for the implementation of the (PSIP); and

WHEREAS, on May 22, 2017, the Board of County Commissioners adopted Resolution R-533-17: (1) approving Amendment Number One, which increased the total contract value of the Agreement by eight million dollars (\$8,000,000), thereby increasing the total compensation for the Agreement to twenty-five million six hundred thousand dollars (\$25,600,000), and (2) exercising the two (2) year option-to-renew for the Agreement in order to extend the Agreement duration to December 30, 2020 in order to allow the PROGRAM MANAGER to continue to provide program and construction management services for the implementation of the PSIP; and

WHEREAS, to date, the PROGRAM MANAGER has overseen 91 percent of the design work and 72 percent of the construction work on the 147 projects that comprise the PSIP; and

WHEREAS, to date, the PSIP projects have been constructed exclusively by Small Business Enterprise firms that participate in the County's Miscellaneous Construction Contracts Program (MCC 7040); and

WHEREAS, the PROGRAM MANAGER has completed the certification of 99 pump stations and force main projects and has 8 projects scheduled for certification by July 2019 and 15 projects scheduled for certification by December 2019; and

WHEREAS, the remaining 25 projects are in the procurement or design phases; and

WHEREAS, the COUNTY has requested that the PROGRAM MANAGER continue to manage the upgrade of non-compliant pump stations to bring the PSIP to successful completion; and

WHEREAS, Amendment Number Two will include supervision of various projects to bring into compliance six (6) additional County-owned wastewater pump stations; public outreach and community involvement services; review and inspection of diving plans and dive observation during construction; and review of safety and hurricane plans;

WHEREAS, Amendment Number Two is needed in order to address all costs associated with unforeseen factors such as force majeure (e.g. hurricanes); project impacts associated with power utilities infrastructure upgrades, which postponed the start of construction and/or the completion of pump station upgrades; permitting and other regulatory impacts, which have also affected the construction schedule; and project re-assignments due to construction contract terminations; which impacted 36 out of the 147 projects that comprised Amendment One; and

WHEREAS, Amendment Number Two is the most cost-effective approach to bring the PSIP to successful completion, which is in the best interests of the COUNTY; and

WHEREAS, this Amendment Number Two will increase the total compensation for the Agreement by five million one hundred and fifty thousand dollars (\$5,150,000), thereby bringing the total award for this Agreement to thirty million seven hundred fifty thousand dollars (\$30,750,00), with no contingency allowance or time extension of the Agreement,

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

1. Section 3 of the Agreement is hereby modified to state as follows:

3. PROFESSIONAL SERVICES:

N) The PROGRAM MANAGER shall provide review and inspection of diving plans and dive observation during construction and review of safety and hurricane plans.

2. Section 11 of the Agreement is hereby modified to state as follows:

11. COMPENSATION FOR SERVICES:

* * * *

11.D. MAXIMUM COMPENSATION: The total of all payments to the PROGRAM MANAGER pursuant to this Agreement shall not exceed thirty million seven hundred and fifty thousand dollars (\$30,750,000). No minimum amount of compensation is guaranteed to the PROGRAM MANAGER. The Maximum Compensation may not be increased for the entire duration of this Agreement.

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

(The remainder of this page was intentionally left blank)

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment Number Two, by having the same signed by their duly authorized representatives, the day and year first written above.

ATTEST:

HARVEY RUVIN,
CLERK OF THE BOARD

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

By: _____
Deputy Clerk

By: _____
Carlos A. Gimenez
Mayor

ATTEST:

NOVA CONSULTING, INC.
A Florida Corporation (SEAL)

By: Maria J. Molina
Maria J. Molina
Secretary
Print Name

By: Maria J. Molina
Maria J. Molina
President
Print Name

STATE OF Florida
COUNTY OF Miami-Dade

The foregoing instrument was acknowledged before me this 16th day of April, 2019, by Maria J. Molina as President and Maria J. Molina as Secretary, of Nova Consulting Inc. a Florida Corporation, on behalf of the Corporation. He/She/They is/are personally known to me or has/hasn't/have/haven't produced identification and did/did not take an oath.

Notary Public
Daviana Sanchez-Peraza
Print Name

Serial Number



Daviana Sanchez-Peraza
Commission # GG069287
Expires: Feb. 2, 2021
Bonded thru Aaron Notary

Approved by County Attorney
As to form and legal sufficiency:

SANDBERANZ-DANISO 4/17/19
Assistant County Attorney

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