OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: July 20, 2010

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

Agenda Item No. 14(A)(12)

From: George M. Burgess
County Manager

Resolution No. R-830-10

Subject: First Amendment to the Professional Services Agreement between Miami-Dade County and Triangle Associates Inc., Modifying the Professional Liability Insurance Requirements

---

RECOMMENDATION

It is recommended that the Board of County Commissioners (BCC) adopt the attached resolution authorizing an amendment to an existing Professional Services Agreement (PSA) between Miami-Dade County (MDC) and Triangle Associates Inc. (TAI). The modification to the current PSA being requested is to temporarily reduce the amount of Professional Liability Insurance requirements.

SCOPE

The existing bridges are located within Commission Districts 3 and 4.

FISCAL IMPACT/FUNDING SOURCE

TAI has performed satisfactorily to date. There is no fiscal impact associated with this item to the County and the funding source is unchanged.

TRACK RECORD/MONITOR

The Project will be assigned to Mr. Marcos Redondo, P.E., Section Head, Highway Division Bridge Section, Miami-Dade County Public Works Department (PWD), for the review of design submissions.

BACKGROUND

On March 3, 2009, the BCC adopted Resolution No. R-199-09 approving the current PSA. The PSA requires that TAI maintain $5,000,000 in Professional Liability Insurance for the duration of the Contract. Due to the fact that TAI's design services have been temporarily suspended while environmental studies are completed by MDC in partnership with the Florida Department of Transportation (FDOT), TAI is requesting that this insurance requirement be reduced. The environmental studies are necessary in order to insure the eligibility of the bridge replacement project for federal funds; the ruling for the studies requirement came from the Federal Highway Administration (FHWA) through the FDOT at a meeting on October 29, 2009, after the agreement with TAI had been entered into. The specific change being requested is to temporarily waive the project specific requirement for the $5,000,000 Professional Liability Insurance thus allowing TAI to maintain $1,000,000 Professional Liability Insurance until such time that the environmental studies are complete and the design work can be resumed. At this time, the waiver is anticipated to be in effect for at least two years; however, specific time frames will depend on the progress of the required environmental studies which are under the direction of FDOT. Once the design work resumes, the insurance requirements will revert to the original required amount of $5,000,000. The County will not be exposed to any additional liability if this request is approved.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: July 20, 2010

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

SUBJECT: Agenda Item No. 14(A)(12)

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**

2

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(12)
7-20-10

RESOLUTION NO. R-830-10

RESOLUTION APPROVING AN AMENDMENT TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND TRIANGLE ASSOCIATES, INC. TO REVISE THE PROFESSIONAL LIABILITY INSURANCE REQUIREMENTS

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 attached amendment to the Professional Services Agreement, Contract No. 20070661, to temporarily reduce the Professional Liability Insurance requirement from $5,000,000 to $1,000,000. The amendment is more particularly described in the accompanying memorandum.

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

Dennis C. Moss, Chairman aye
Jose "Pepe" Diaz, Vice-Chairman absent

Bruno A. Barreiro	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	absent
Barbara J. Jordan	aye	Joe A. Martinez	aye
Dorrin D. Rolle	aye	Natacha Seijas	aye
Katy Sorenson	aye	Rebeca Sosa	absent
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of July, 2010. 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT FOR THE MIAMI-DADE COUNTY VENETIAN CAUSEWAY BRIDGE REPLACEMENT PROJECT

This first amendment to the Agreement is made and entered into this _____ day of _____,20___, by and between Miami-Dade County, a political subdivision of the State of Florida, hereinafter referred to as the "COUNTY," and TRIANGLE ASSOCIATES, INC., hereinafter referred to as TAI.

W I T N E S S E T H:

WHEREAS, pursuant to Resolution No. R-199-09 adopted by the Board of County Commissioners on March 3, 2009, the parties hereto entered into a Professional Services Agreement, Contract No. 20070661, to provide engineering services for the replacement of the existing bridges on the Venetian Causeway and providing a maximum compensation of $3,398,590.76 for all professional services required during the implementation of the design phase of the project.

WHEREAS, environmental studies are necessary to insure that the project is eligible for future Federal funding and these studies will temporarily delay TAI from proceeding with the design.

WHEREAS, the Agreement required that TAI maintain Professional Liability Insurance in the amount of $ 5,000,000 during the term of the contract.

NOW, THEREFORE, in consideration of the mutual desires of the parties hereto, the following modifications are made to the aforementioned Agreement:

SECTION XXII – INDEMNIFICATION AND HOLD HARMLESS

Page 36, Paragraph 2: Shall read as follows:

2. Professional Liability Insurance in an amount not less than $ 5,000,000. The insurance requirement will be lowered to $1,000,000 by the PWD Director, in writing, during the time a Project Development and Environment (PDE) study is undertaken. Once the PDE is finished, and the PWD Director notifies the ENGINEER that the work is to again proceed, the insurance requirement will be $5,000,000 for the remainder of the Agreement period.

In all other respects, except as hereby amended, the original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF the parties hereto have caused this First Amendment to the Agreement to be executed by their appropriate officials as of the date first entered above.

ATTEST:

HARVEY RUVIN
CLERK OF THE BOARD

BY: _____
Deputy Clerk

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

BY: _____
County Mayor or County Mayor's Designee

Approved by County Attorney
as to form and legal sufficiency _____
County Attorney

ATTEST:

By: _____

TRIANGLE ASSOCIATES, INC.
A Corporation authorized to transact
business in Florida

By: _____

(CORPORATE SEAL)