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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: December 16, 2014

Agenda Item No. 8(F)(2)

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Amendment No. 2 to a Professional Services Agreement between Miami-Dade County and LIVS Associates for the Design of a New Animal Shelter for the Animal Services Department, ISD Project No. A05-ASD-01 GOB ESP; ISD Contract No. Z000108

Resolution No. R-1112-14

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize Amendment No. 2 to the professional services agreement (PSA) between the County and LIVS Associates (LIVS), ISD Contract No. Z000108, for the design of a New Animal Shelter Project (ISD Project No. A05-ASD-01 GOB ESP). The New Animal Shelter Project is being expedited under the County Mayor's delegated authority granted as part of the Economic Stimulus Program (ESP) pursuant to Section 2-8.2.7 of the Code and does not require Committee review. Furthermore, Resolution R-721-13, adopted by the Board on September 4, 2013, directed that this project be expedited under the Mayor's delegated authority pursuant to ESP.

Amendment No. 2, totaling $936,976, is necessary to accommodate the various design elements that evolved over the past year, as the scope of the project was recently finalized to ensure a fully functional, first-class Animal Services facility. With the approval of this amendment, the total design contract value is $1,844,208 and is funded within the current project budget. A summary of the project elements being addressed with this amendment are as follows:

- $134,400 to align construction administration services with the projected construction term of 12 months, and to provide an onsite field representative as requested by the Animal Services Department. This will ensure adequate oversight of the project and the ability to address any issues in the field more expeditiously.
- $50,000 as an allowance to fund continued, specialized professional services by a third-party animal shelter consultant under contract with LIVS. This will allow for continued expert advice on the selection of all clinical equipment needs in order to finalize product selections in a timely manner during construction administration
- $100,000 as a dedicated allowance account to fund LIVS's services at the sole discretion of the County in the event that the Office of Art in Public Places wishes to integrate design concepts by the Art in Public Places artist into the permitted construction documents.
- $502,576 to address an increase in the scope of design services to incorporate additional features to the interior of the facility such as a mezzanine level, an additional veterinary clinic, a training center, site security and building management systems, isolation ward to protect healthy animals from disease, and multiple features for the display of animals to promote adoption. The design consultant has completed this scope of work under an expedited schedule in order to begin the construction phase of the project as soon as possible. This amendment is for work completed by the design consultant and therefore modifies the section of the contract that disallows for work to be paid for after it is completed.
- $150,000 to replenish the original contingency allowance account to ensure the ability to address any unforeseen conditions that may arise through the completion of the project's construction and warranty administration period.

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Scope
This project is located in Commission District 12, which is represented by Commissioner Jose "Pepe" Diaz. However, this project has a countywide impact.

Fiscal Impact/Funding Source
The total project budget for the New Animal Shelter Project (Capital Project No. 1998460) is $28.9 million, which is funded by the Building Better Communities General Obligation Bond proceeds ($7 million), the sale of the existing surplus property ($3 million), proceeds from the Capital Asset Series 2009B Bonds ($4 million), and future financing ($14.9 million).

The total amount of this change order is $936,976 and will be funded from the future financing revenue already included for this project in the FY 2014-15 Adopted Budget and Multi-Year Capital Plan.

Delegated Authority
The authority of the County Mayor or County Mayor's designee to execute and implement this contract is consistent with those authorities granted under the ESP pursuant to Section 2-8.2.7 of the Code of Miami-Dade County, and also includes all authorities specified in the Contract Documents such as Termination of the Contractor for Default or Convenience. The County Mayor or County Mayor's designee has the authority to execute, implement and exercise the one-year option to renew the term of this contract.

Track Record/Monitor
The project manager is Jesus Farinas, Construction Manager 2, in the Design and Construction Services Division of the Internal Services Department

Background
On July 7, 2011, the Board approved Resolution R-527-11 to enter into a PSA with LIVS for the professional design services of a new animal shelter in the amount of $457,897. The current PSA provides for the design and construction documents necessary to renovate an existing warehouse building, located at 3651 NW 79 Avenue, into an animal shelter facility that will replace the current Animal Services facility located at 7401 NW 74 Street.

At the time of award, LIVS's services were based on the estimated $4.5 million construction cost of the new facility, which provided for the renovation of only half of the new warehouse space. Subsequently, and, as a result of a collaborative effort between the Internal Service and Animal Services departments and LIVS, it was determined that additional design elements were needed to maximize the use of space and functionality of the future facility. Consequently, Amendment No. 1 was approved by the Board on December 4, 2012 to provide an additional 746 days and $449,335 to LIVS given the change in location and scope of the project.

Amendment No. 2 is now necessary to ensure the design consultant's contract is in line with the construction contract in order to provide sufficient oversight of this project.

Construction bids were received on August 8, 2014, and award of the construction contract was filed on August 29, 2014 under the Mayor's authority as an ESP project. Construction began on October 1, 2014 and is expected to be substantially completed in October 2015.

Alina T. Hudak
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: December 16, 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)

12-16-14

RESOLUTION NO. R-1112-14

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AMENDMENT NO. 2 IN THE AMOUNT OF $936,976.00 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND LIVS ASSOCIATES FOR DESIGN SEVICES OF A NEW ANIMAL SHELTER FOR THE ANIMAL SERVICES DEPARTMENT CONTRACT NO. Z000108, ISD PROJECT NO. A05-ASD-01 GOB ESP

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 $936,976.00 to the Professional Services Agreement between Miami-Dade County and LIVS Associates for design services of a New Animal Shelter for the Animal Services Department, Contract No. Z000108 ISD Project No. A05-ASD-01 GOB ESP substantially in the form attached hereto and made a part hereof.

The foregoing resolution was offered by Commissioner **Barbara J. Jordan** who moved its adoption. The motion was seconded by Commissioner **Audrey Edmonson** and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman **aye**

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

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of December, 2014. 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: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Eduardo W. Gonzalez

MIAMI-DADE COUNTY, FLORIDA

INTERNAL SERVICES

AMENDMENT TO ORIGINAL PROFESSIONAL SERVICE AGREEMENT

AMENDMENT NO: 2 **CONTRACT NO:** Z000108 **DATE:** 9/02/2014

PROJECT TITLE: New Animal Services Center at Doral

TO CONTRACTOR: LIVS Associates 2121 Ponce de Leon Blvd., Suite 610 Coral Gables, FL 33134

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:

Amendment No. 2, totaling $936,976, is necessary to accommodate the various design elements that evolved over the past year, as the scope of the project was recently finalized to ensure a fully functional, first-class Animal Services facility. With the approval of this amendment, the total design contract value is $1,844,208 and is funded within the current project budget. A summary of the project elements being addressed with this amendment are as follows:

- $134,400 to align construction administration services with the projected construction term of 12 months, and to provide an onsite field representative as requested by the Animal Services Department. This will ensure adequate oversight of the project and the ability to address any issues in the field more expeditiously.
- $50,000 as an allowance to fund continued, specialized professional services by a third-party animal shelter consultant under contract with LIVS. This will allow for continued expert advice on the selection of all clinical equipment needs in order to finalize product selections in a timely manner during construction administration
- $100,000 as a dedicated allowance account to fund LIVS's services at the sole discretion of the County in the event that the Office of Art in Public Places wishes to integrate design concepts by the Art in Public Places artist into the permitted construction documents.
- $502,576 to address an increase in the scope of design services to incorporate additional features to the interior of the facility such as a mezzanine level, an additional veterinary clinic, a training center, site security and building management systems, isolation ward to protect healthy animals from disease, and multiple features for the display of animals to promote adoption. The design consultant has completed this scope of work under an expedited schedule in order to begin the construction phase of the project as soon as possible. This amendment is for work completed by the design consultant and therefore modifies the section of the contract that disallows for work to be paid for after it is completed.
- $150,000 to replenish the original contingency allowance account to ensure the ability to address any unforeseen conditions that may arise through the completion of the project's construction and warranty administration period.

Monetary Justification: The original contract budget for this project is being increased due to project complexity and additional scope being added.

Time Justification: This Amendment #2 is for additional funding only.

This amendment includes not only all direct costs of contractor 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.

Contractor 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	$457,897.00
COST OF CHANGES PREVIOUSLY ORDERED	$449,335.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE	$907,232.00
COST OF CHANGES WITH THIS DOCUMENT	$936,976.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE	$1,844,208.00
PERCENT INCREASE WITH THIS CHANGE	102%
TOTAL PERCENT INCREASE TO DATE	302%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	1503 / 0 /0
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	43 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE	1653

CERTIFYING STATEMENT: *The Contractor 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
LIVS Associates	Tony Rosado	**Contractor** Principal	9/16/14
Surety		**Surety**	

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

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.