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

MEMORANDUM

MIAMI-DADE

Date: February 5, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 8(P)(1)(A)

Resolution R-110-08

From: George M. Burgess
County Manager

Subject: Resolution Ratifying the County Mayor's Actions in the Certification of a Valid Public Emergency Pursuant to Florida Statutes and in Authorizing the Selection of an Engineering Consultant for a Public Works Department Project titled Refurbish the NW 17 Avenue Bascule Bridge Over the Miami River

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Recommendation

It is recommended that the Board of County Commissioners (BCC) ratify the County Mayor's action in certifying a valid public emergency pursuant to Section 287.055(3)(a)(1), Florida Statutes and in authorizing the selection of the original Design Engineer of Record (EOR) Volkert and Associates, Inc. to provide construction engineering services for the ongoing major structural rehabilitation of the NW 17 Avenue bascule bridge over the Miami River.

Scope

The NW 17 Avenue bascule bridge over the Miami River is located within Commission Districts 3 and 5.

Fiscal Impact/Funding Source

Secondary Gas Tax Toll Revenues in the amount of $91,440.00 will be utilized to compensate the EOR for the required construction engineering services.

Track Record/Monitor

The EOR selected to perform engineering services for the rehabilitation of the bridge is Volkert and Associates, Inc. (Volkert). The Department of Small Business Development reports that Volkert has not been awarded previous contracts within the past five (5) years. Consequently, there is no Architectural/Engineering Services Performance Evaluation on file in the Office of Capital Improvements' Consultant Evaluation System.

The Project Manager assigned by the Public Works Department to monitor the structural rehabilitation of the NW 17 Avenue bridge is Juan Paan (JuanP@miamidade.gov).

Background

The NW 17 Avenue bascule bridge over the Miami River is 79 years old (built in 1928) and exhibits severe deterioration due to its age and the surrounding corrosive environment. Because of a lack of funds to replace the existing bridge with a new structure, in early 2007 PWD procured a contract for repairs only that contemplated infrequent closures of the bridge to traffic. Said contract was awarded by the County Manager to PCL Civil Constructors, Inc., on August 9, 2007, pursuant to Resolution No. 920-07. However, after a Florida Department of Transportation (FDOT) inspection gave the bridge a very low rating (4 points out of a possible 100), PWD placed severe restrictions on the bridge and finally closed it to traffic on August 10, 2007. This closure, coupled with the fact that the NW 12 Avenue bridge over the Miami River is being refurbished by FDOT, has seriously disrupted vehicular and pedestrian traffic across the river to and from the major cluster of area hospitals and the Civic Center, effectively creating an emergency.

In order to address this emergency, PWD sought and obtained, in accordance to Section 287.055, Florida Statutes, a certification by the Mayor (attached) that a valid public emergency exists with respect to the

condition of the bridge and with respect to the disruption of traffic to and from the County's most important health node as well as the Civic Center. This mayoral action occurred on November 14, 2007.

The repairs contract's original scope of work included repairs and restoration of a number of structural elements of the bridge that would extend the lifespan of the bridge for an estimated 15 years, at a cost of $6,418,275.40. However, the contractor provided PWD with value engineering options that would extend the effective life of the bridge to 40 years and would accelerate the "open to traffic" date for a period of 10 weeks, from May 20, 2008, to March 7, 2008. The increased lifespan of the bridge and the 10-week time savings come at an additional cost of $1,417,368.67. PWD accepted the options and they were included in Change Order 1, which is being presented to the Board under separate cover. In order to accomplish the additional work included in Change Order 1 and reap the benefits such work entailed, it became necessary to employ the original EOR (Volkert) without delay in order to prepare signed and sealed plans, respond to requests for information from the contractor and review shop drawings so that needed modifications to the existing bridge components can be performed during construction and ahead of critical work activities. The mayoral certification of a valid state of emergency with respect to the condition of the NW 17 Avenue bridge and the disruptions to traffic that its closure for repairs entails enabled PWD to employ Volkert's services without using a competitive but lengthy selection process. A fee of $91,440.00 was negotiated between PWD and Volkert to compensate the EOR for the required construction engineering services.

The additional work in Change Order 1 referred to above corresponds to the physical replacement of the spans at a cost of $1,417,368.67. In addition, in order to achieve a comprehensive refurbishment of the bridge a Change Order 2 addresses the replacement of the mechanical and electrical operating systems at a cost of $2,025,569.98 and is being presented to the Board under separate cover.

The certification of a valid public emergency with respect to both the condition of the NW 17 Avenue bridge and the disruption to traffic caused by its closure, has the effect of allowing cost-effective repairs of significant value to occur. Furthermore, this action resulted in a tangible benefit to the residents of the County by shortening the time that the bridge will be closed to traffic by 10 weeks.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: February 5, 2008

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

SUBJECT: Agenda Item No. 8(P)(1)(A)

Please note any items checked.

_____ "4-Day Rule" ("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

_____ Bid waiver requiring County Manager's written recommendation

_____ Ordinance creating a new board requires detailed County Manager's report for public hearing

_____ Housekeeping item (no policy decision required)

_____ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(P)(1)(A)
02-05-08

RESOLUTION NO. **R-110-08**

RESOLUTION RATIFYING THE COUNTY MAYOR'S ACTIONS IN THE CERTIFICATION OF A VALID PUBLIC EMERGENCY PURSUANT TO FLORIDA STATUTES AND IN AUTHORIZING THE SELECTION OF AN ENGINEERING CONSULTANT FOR NW 17 AVENUE BASCULE BRIDGE OVER THE MIAMI RIVER

WHEREAS, the NW 17 Avenue Bascule Bridge Over the Miami River presents structural deficiencies that need to be addressed without undue delay in the interest of public safety; and

WHEREAS, the poor structural condition of the NW 17 Avenue Bascule Bridge Over the Miami River and the repairs the bridge require entail the closing of said bridge to vehicular and pedestrian traffic; and

WHEREAS, the closing of said bridge seriously disrupts traffic to and from the County's largest cluster of hospitals and the Civic Center; and

WHEREAS, pursuant to Section 287.055(3)(a)(1) of the Florida Statutes, on November 14, 2007 the County Mayor certified that a valid public emergency exists with respect to the condition of the NW 17 Avenue Bascule Bridge Over the Miami River; and

WHEREAS, said Mayoral action of November 14, 2007 authorized the Public Works Department to select a construction engineering consultant without using a competitive selection process; and

WHEREAS, the Public Works Department determined that the firm Volkert and Associates, Inc. (Volkert) is the most suited to provide engineering consulting services for the rehabilitation of the NW 17 Avenue Bascule Bridge Over the Miami River and, given the firm's involvement as the original Engineer of Record, selected Volkert to provide said engineering consulting services,

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NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds in the best interest of the County to ratify the County Mayor's actions in the certification of a valid public emergency pursuant to Florida Statutes and in authorizing the selection of an engineering consultant for the rehabilitation of the NW 17 Avenue Bascule Bridge Over the Miami River, in substantially the form attached hereto and made a part hereof.

The foregoing resolution was offered by Commissioner **Joe A. Martinez**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **absent**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**absent**
Dorrin D. Rolle	**aye**	Natacha Seijas	**absent**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of February, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney a
to form and legal sufficiency.

Bruce Libhaber

MEMORANDUM

MIAMI-DADE COUNTY

Date: November 2, 2007

To: Carlos Alvarez, Mayor
George M. Burgess, County Manager

Through: George M. Burgess
County Manager

From: Esther L. Calas, P.E.
Director
Public Works Department

CLERK OF THE BOARD
2007 NOV 20 AM 8:24
CLERK, CIRCUIT & COUNTY COURTS
DADE COUNTY, FLA.

Subject: Emergency Authorization to Select a Consultant for the NW 17 Avenue Bascule Bridge Over the Miami River

The purpose of this memorandum is to request the Mayor's certification of a valid public emergency pursuant to Section 287.055(3)(a)(1), Florida Statutes, and Section 2-10.4(8)(b)(i) of the Miami-Dade County Code, authorizing the selection of the original Design Engineer of Record (EOR) Volkert and Associates, Inc. (Volkert) to provide post-design services for the ongoing major structural rehabilitation of the NW 17 Avenue bascule bridge over the Miami-River.

Section 287.055, Florida Statutes, requires the County (deemed to be an "agency" for the purposes of the Statute) to obtain engineering services through a competitive selection process "except in cases of valid public emergencies certified by the agency head" (Fla. Statute §287.055(3)(a)(1)). Due to the critical condition of the bridge and the accelerated construction schedule, the Public Works Department (PWD) has concluded that selecting an EOR consultant through a competitive selection process is not advisable under the present circumstances. Consequently, PWD seeks certification by the Mayor[1] that a valid public emergency exists with respect to the condition of the NW 17 Avenue bascule bridge and allow PWD to select the original EOR without using a competitive selection process.

This bridge was built in 1928 and through the years has been gradually deteriorating with some non-structural repairs made mainly to secure the walking and driving surface areas. Due to lack of funding to replace the existing bridge with a new one (at an estimated cost of $80 million dollars), the PWD procured a contract for repairs only. The procurement of this repair contract was finalized by the PWD earlier this year and construction plans were prepared by Volkert, the EOR. The scope of these repairs consisted of restoring unsound and spalled concrete members of the bridge structure as well as repairing deteriorated structural steel components. However, these repairs were of a spot nature and directed to specific areas to address the low rating of the bridge. As part of this repair contract, the vehicular traffic was going to be maintained with only sporadic closures. After the repair plans were prepared and bid was secured, FDOT notified PWD on June 11, 2007, that the bridge received a very low rating (4 out of 100) in the Bridge Management System Inspection/Comprehensive Inventory Data Report. Immediately after the low rating notification, PWD restricted use of the bridge and ultimately closed it to vehicular and pedestrian traffic on August 10, 2007. The permanent closure of the bridge to all traffic has created an emergency, since the crossing of the Miami River is now reduced to NW 12 Avenue and NW 22 Avenue and has affected access

[1] The Mayor is deemed to be the "agency head" since he is stated to be the head of the County government. See Home Rule Amendment and Charter, § 2.02.

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to area hospitals and the Civic Center. The prompt structural repairs of this bridge are of the outmost importance to Miami-Dade County as the bridge serves a large number of motorists as well as the aforementioned critical areas.

PWD is currently seeking approval of a Change Order to modify the scope of the project to include replacement of all critical structural parts of the bridge and proceed with an accelerated work schedule. As part of this emergency and acceleration of construction, it is necessary to employ the original EOR with the utmost expediency in order to prepare signed and sealed plans, respond to requests for information from the contractor, and review shop drawings so that necessary modifications to the existing bridge components can be performed during construction and ahead of critical work activities.

In addition to being the original EOR of the NW 17 Avenue bascule bridge repair project, the engineering consulting firm of Volkert, has been retained by PWD since 1996, to perform evaluation studies in regards to the structural soundness of said bridge. Volkert is uniquely suited to perform the required analysis to affect the long-term repairs needed on the bridge. As a result of the emergency repairs, PWD has already requested Volkert to perform the necessary engineering consulting work and has negotiated a fee of $91,440.00 to be paid to Volkert for their services, pending the execution of this emergency authorization. Funds will be provided by Secondary Gas Tax revenues.

In conclusion, due to the critical structural condition of the NW 17 Avenue bascule bridge and the urgent need to address its deficiencies, PWD is seeking to expedite the necessary engineering consultant work to protect public safety. Additionally, the original design EOR has the ability to modify and certify construction plans and documents with the expediency required; therefore, PWD submits this request to the Mayor to certify that a valid public emergency exists in regards to the condition of said bridge.

APPROVED AS TO LEGAL SUFFICIENCY: Bruce Libhaber 11/5/07

COUNTY ATTORNEY DATE

CAPITAL IMPROVEMENTS CONCURRENCE:

11/5/07

OCI DIRECTOR DATE

APPROVED:

ASSISTANT COUNTY MANAGER DATE

APPROVED:

COUNTY MANAGER DATE 11/9/07

APPROVED:

MAYOR DATE 11/14/07

CLERK OF THE BOARD:

CLERK DATE