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

Memorandum

MIAMI-DADE COUNTY

Date: December 4, 2012

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

Agenda Item No. 8(F)(7)

From: Carlos A. Gimenez
Mayor

Resolution No. R-1012-12

Subject: Resolution Authorizing Amendment No. 2 to the Professional Services Agreement with Hellmuth, Obata & Kassabaum, Inc. for Architectural and Engineering Services at the New Children's Courthouse - ISD Project No: A04-GSA-01; ISD Contract No: W40114

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize Amendment No. 2 to the Professional Services Agreement (ISD Contract No. W40114) between Hellmuth, Obata & Kassabaum, Inc. (HOK) and Miami-Dade County for Architectural and Engineering Services at the New Children's Courthouse Project. This amendment authorizes an additional $839,754 in funding to:

- Replenish the Architectural and Engineering (A/E) Contingency Allowance Account in the amount of $763,164; and
- Establish a Dedicated Allowance Account in the amount of $76,590 for use of a specialized roof inspector to oversee the installation of the "green roof" system.

Scope

The completion of this facility will have a countywide impact.

Fiscal Impact/Funding Source

This amendment will not increase the current budget for the Children's Courthouse project. The total amount of this amendment is $839,754, which will be funded through the Architectural and Engineering Contingency line item ($763,164) and the remaining balance ($76,590) will be funded from savings obtained from the original Contamination Remediation line item. The funding sources for this project are Criminal Justice Bond Proceeds, 2003 Juvenile Courthouse Bond proceeds and interest as well as Special Revenue Backed Financing.

Delegation of Authority

The County Mayor or County Mayor's designee has the authority to execute, implement and exercise the one-year option-to-renew period for this contract.

Track Record/Monitor

Humberto J. Contreras, Manager of Special Projects Section in the Design and Construction Services Division, Internal Services Department, is the project manager.

Background

On August 8, 2005, Miami-Dade County entered into a Professional Services Agreement with HOK for architectural and engineering services for the new Miami-Dade County Children's Courthouse. The new Miami-Dade County Children's Courthouse will accommodate up to 18 courtrooms and related agencies and/or branches directly involved in the administration and support of justice and legal remedies for the juvenile division of the Eleventh Judicial Circuit Court as well as the Unified Family Court.

As a result of various changes and additional work requested by the Courts and the County, the A/E Contingency Allowance Account (which included the original amount of $710,336 and an additional $526,500 provided through Amendment No.1) has been depleted. Since construction is ongoing, it is recommended that the County replenish this contingency allowance account at a level sufficient to ensure

that HOK is able to address any unforeseen conditions that may be identified through the completion of the project. Below are some of the changes and additional work that have led to the depletion of the contingency allowance account to date:

- Three floors were added to the original scope of work in order to house the Public Defender's Office, the State Attorney's Office, and Guardian Ad-Litem staff
- It was necessary to procure the services of a zoning attorney to address the Major Use Special Permit for the project
- Re-platting services were required for the project site
- Additional architectural and engineering services for necessary revisions for the jury courtrooms.
- Additional services by HOK were required to produce construction documents and specifications for low voltage systems, which include public address systems, data, telephone, building management systems, audio/video, and security; and
- A geotechnical evaluation and report of the building foundation was required.

Attachment 1 provides further details on the changes mentioned above and the basis for the calculation of the contingency account.

In addition to partially replenishing the A/E Contingency Allowance Account in the amount of $763,164, approval is also requested to set up a Dedicated Allowance Account in the amount of $76,590. This account will be used for Special Roofing Inspector services. If approved, the inspector will be provided by Architects International, Inc., with whom the County is under contract for services such as these, as needed, for County projects. This specialized inspector will be hired to oversee the installation of the complex "green roof" system, including review of shop drawings, quality assurance, responses to requests for information, and related work.

The Children's Courthouse project is on schedule and continues to progress well. To date, all floors of have been completed and the precast panels are being installed on the lower floors. The project is approximately 47 percent complete and is anticipated to be opened by December 2014.

Attachments

Edward Marquez
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: December 4, 2012

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

SUBJECT: Agenda Item No. 8(F)(7)

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**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(F)(7)
12-4-12

RESOLUTION NO. R-1012-12

RESOLUTION APPROVING AMENDMENT NO. 2, IN SUBSTANTIALLY THE FORM ATTACHED HERETO, TO THE PROFESSIONAL SERVICES AGREEMENT WITH HELLMUTH, OBATA & KASSABAUM, INC. IN THE AMOUNT OF $839,754 TO PROVIDE ARCHITECTURAL AND ENGINEERING SERVICES FOR THE CHILDREN'S COURTHOUSE; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO MODIFY AMENDMENT NO. 2 AS NEEDED AND TO EXERCISE ANY AND ALL RIGHTS CONFERRED 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 Amendment No. 2 to Miami-Dade County Children's Courthouse, ISD Contract No. W40114 ("Contract") in substantially 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 **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Vice Chairwoman **aye**

Bruno A. Barreiro	**aye**	Lynda Bell	**absent**
Esteban L. Bovo, Jr.	**absent**	Jose "Pepe" Diaz	**absent**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Rebeca Sosa	**aye**	Sen. Javier D. Souto	**absent**
Xavier L. Suarez	**aye**	Juan C. Zapata	**aye**

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of December, 2012. 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: Christopher Agrippa
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

ATTACHMENT 1

PROJECT NAME:	Architectural and Engineering Services for the New Children's Courthouse
PROJECT NO:	W40114 ESP
CONTRACT NO:	W40114
PROJECT DESCRIPTION:	The scope of services consists of construction of a new fourteen-story building of approximately 371,500 square feet that will accommodate up to 18 courtrooms and related agencies for the juvenile division of the Eleventh Judicial Circuit Court, as well as the Unified Family Court.
PROJECT LOCATION:	155 NW 3rd Street, Miami, Florida
PRIMARY COMMISSION DISTRICT:	District 5 Bruno A. Barreiro
APPROVAL PATH:	Board of County Commissioners This project is included in the Economic Stimulus Plan.
ISD A&E PROJECT NUMBER:	A04-GSA-01
USING DEPARTMENT:	Judicial Administration
MANAGING DEPARTMENT:	Internal Services

Fiscal Impact / Funding Source

FUNDING SOURCE:	Original PSA: $11,233,302 funded through Criminal Justice Bond Proceeds, 2003 Juvenile Courthouse Bond, and 2003 Juvenile Courthouse Bond Interest. Amendment No. 1: $5,496,760 funded through Criminal Justice Bond Proceeds, 2003 Juvenile Courthouse Bond, and 2003 Juvenile Courthouse Bond Interest. Amendment No. 2: $839,754 funded through Criminal Justice Bond Proceeds, 2003 Juvenile Courthouse Bond, and 2003 Juvenile Courthouse Bond Interest.
AMENDMENT NO. 2 FUNDING SOURCE:	This Amendment will be funded with Juvenile Courthouse Bonds Series 2003 Proceeds, Juvenile Courthouse Bonds Series 2003 Interest, and Special Revenue Backed Financing.
PTP FUNDING:	No
GOB FUNDING:	No
ARRA FUNDING:	No

AMENDMENT DESCRIPTION: The scope of work covered by this amendment includes the replenishment of the original Architectural and Engineering (A/E) Contingency Allowance Account, Amendment No.1, and the establishment of a new Dedicated Allowance Account.

1) Original A/E Contingency Allowance Account and Amendment No. 1:
   a) The original PSA included a contingency allowance account in the amount of $710,336. The following expenditures were realized:
      - $526,500 was utilized to pay for additional services from HOK as a result of the addition of three (3) floors to the original scope of work, in order to house the Public Defender's Office, the State Attorney's Office, and 90% of the Guardian Ad-Litem staff. This additional work was approved by the Board of County Commissioners on July 6, 2006.
      - $65,000 was utilized to pay for the services of a zoning attorney to address a Major Use Special Permit (MUSP);
      - $75,000 was utilized to pay for re-platting of project site services; and
      - $28,000 was utilized to pay for basic A/E services to add revisions for the jury courtrooms
      - These additional services left an unused balance in the A/E Contingency of $15,836

   b) Amendment No. 1 provided for a partial replenishment of the original contingency allowance in the amount of $526,500, in addition to the $15,836 balance left unused as disclosed above. Out of this allowance account, the following expenditures were realized:

      - $495,000 was utilized to pay for additional services by HOK to produce construction documents and specifications for low voltage systems. These systems, commonly known as Division 17 elements, include but are not limited to, public address (P.A.) systems, data, telephone, building management systems, audio/video, and security; and
      - $45,050 was spent towards the geotechnical evaluation and report of the foundation.
      - The current balance in the A/E Contingency is $2,286

2) Replenishment of A/E Contingency Allowance Account:
   The overall Construction Project Budget is $140.6M, which includes a line item in the amount of $763,164, to partially replenish the A/E Contingency through the end of the Project. At present, the Construction of the Project is nearly at mid-point (47%) of the Project Schedule, with a final completion date of October 21, 2013. In order to address any unforeseen construction conditions between today and the final completion of construction that may require additional architectural services, ISD hereby requests that the existing budget line item ($763,164) be approved as an addition to the existing Hellmuth, Obata, and Kassabaum (HOK) Professional Services Agreement, to partially replenish the A/E Contingency, and thereby increase the total PSA amount by this figure, in addition to the $2,286 remaining balance as disclosed above.

3) Establishment of new Dedicated Allowance Account:
Special Roofing Inspector: the services of a specialized roof inspector will be provided by Architects International, Inc. to oversee the installation of the "green roof" system. The scope of work includes, but is not limited to, shop drawings review, quality assurance, responses to requests for information, and supervision of roof installation. The cost of this work is estimated in the amount of $76,590.

As a result, ISD requests that a Dedicated Allowance Account be created in the aggregate amount of $76,590.

MONETARY JUSTIFICATION: The amount of $763,164 is required to replenish the contingency account in order to address any unforeseen conditions that may arise through completion of the construction contract and warranty administration period.

The amount of $76,590 is required to provide funding for the special Roofing Inspector.

TIMES JUSTIFICATION: No additional time is required as part of this amendment.

	Original Contract Values	Previous Adjustments To Values	This Amendment Values	Current Totals	Total Paid	Balance After Amendment
BASE:	$7,103,356	$4,168,752	$0.00	$11,272,108	$2,372,770	$8,899,338
CONTINGENCY:	$710,336	$526,500	$763,164	$2,000,000	$1,234,550	$765,450
DEDICATED:	$3,419,610	$800,508	$76,590	$4,296,708	$184,287	$4,112,421
TOTALS:	$11,233,302	$5,495,760	$839,754	$17,568,816	$3,791,607	$13,777,209

	Original Contract Duration	Previous Adjustments To Duration	This Amendment Duration	Current Totals
BASE DURATION:	1,825	273	0	2,098
CONTINGENCY:	183	0	0	183
TOTAL DURATION:	2,008	273	0	2,281

INITIATING FACTOR(S) FOR AMENDMENT

Reason	Cost	Duration
County Requested Change	$839,754	0
	$839,754	0

Track Record/Monitor

PERFORMANCE RECORD:	HOK has been in business for more than 57 years. Based on the Capital Improvements Information Systems (CIIS) database, the County has awarded one (1) contract with a total dollar value of $11,272,108. Additionally the County has completed one (1) evaluation for HOK with an average rating of 3.8 with 4.0 being the highest rating possible.
PRIME CONSULTANT:	Hellmuth, Obata & Kassabaum, Inc.
COMPANY PRINCIPALS:	Duncan C. S. Broyd, Sr. Vice-President Yann R. Weymouth, Sr. Vice-President J. Foard Meriwether, Sr. Vice-President
COMPANY QUALIFIERS:	J. Foard Meriwether
COMPANY EMAIL ADDRESS:	duncan.broyd@hok.com
COMPANY STREET ADDRESS:	4040 NE 2nd Avenue, Suite 301
COMPANY CITY-STATE-ZIP:	Miami, Florida 33132
YEARS IN BUSINESS AT TIME OF AWARD:	57
PREVIOUS EXPERIENCE WITH COUNTY IN THE LAST FIVE YEARS:	According to the Firm History Report as requested from the Small Business Development Division of the Department of Regulatory and Economic Resources (RER), the selected consultant has not been awarded any new contracts with the County during the past five years.
SUBCONSULTANTS:	Perez & Perez Architect, Planners, Inc. Architects International, Inc. SDM Consulting Engineer, Inc. Tilden Lobnitz Cooper, Inc. Bliss & Nyitray, Inc. Nova Consulting, Inc. EAC Consulting, Inc. Curtis & Rogers Design Studio, Inc. Manuel G. Vera & Associates, Inc. Faithful & Gould, Inc. Affiliated Engineers, Inc. Langan Engineering, Inc. Greenberg Traurig, LLP.

REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:

TYPE	GOAL	ESTIMATED VALUE
CSBE	0.00%	N/A
CBE	32.00%	N/A
DBE	0.00%	N/A
CWP	0.00%	N/A

CONTRACT MANAGER NAME/PHONE/E-MAIL: Fernando V. Ponassi 305-375-3913 FernanP@miamidade.gov

PROJECT MANAGER NAME/PHONE/E-MAIL: Jorge Orol 305-375-5316 JLOrol@miamidade.gov

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BUDGET APPROVAL FUNDS AVAILABLE:

10/28/12 **OMB DIRECTOR** 10/28/12 **DATE**

APPROVED AS TO LEGAL SUFFICIENCY:

COUNTY ATTORNEY **DATE**

DIRECTOR, INTERNAL SERVICES DEPARTMENT **DATE**

COUNTY MAYOR **DATE**

CLERK DATE:

DATE

MIAMI-DADE COUNTY, FLORIDA

INTERNAL SERVICES DEPARTMENT

AMENDMENT TO ORIGINAL PROFESSIONAL SERVICES AGREEMENT

CHANGE ORDER NO: 2 **CONTRACT NO:** W40114 **DATE:** 10/22/2012

PROJECT TITLE: Construction of the new Miami-Dade County Children's Courthouse

TO CONTRACTOR: Hellmuth, Obata & Kassabaum, Inc. 4040 NE 2nd Avenue, Suite 301, Miami, FL 33132

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: The scope of work covered by this amendment includes the replenishment of the original Contingency Allowance Account, and the establishment of a new Dedicated Allowance Account.

1) Replenishment of Contingency Allowance Account:
   a) The original PSA included a contingency allowance account in the amount of $710,336. The following expenditures were realized: (Continued below)

Monetary Justification: The amount of $763,164 is required to replenish the contingency account in order to address any unforeseen conditions that may arise through completion of the construction contract and warranty administration period. (Continued below)

Time Justification: No additional time is required as part of this amendment.

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	$11,233,302
COST OF CHANGES PREVIOUSLY ORDERED	$5,495,760
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE	$16,729,062
COST OF CHANGES WITH THIS DOCUMENT	$839,754
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE	$17,568,816
PERCENT INCREASE WITH THIS CHANGE	5%
TOTAL PERCENT INCREASE TO DATE	56%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	1,825 / 273 / 0
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	183 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE	2,281

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
Hellmuth, Obata & Kassabaum, Inc.	Duncan C S Boyd	Contractor	10/23/12
Surety	N/A	Surety	

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

Description of work authorized: (Continued)

- $526,500 was utilized to pay for additional services from HOK as a result of the addition of three (3) floors to the original scope of work, in order to house the Public Defender's Office, the State Attorney's Office, and 90% of the Guardian Ad-Litem staff. This additional work was approved by the Board of County Commissioners on July 6, 2006.
- $65,000 was utilized to pay for the services of a zoning attorney to address a Major Use Special Permit (MUSP);
- $75,000 was utilized to pay for re-platting of project site services; and
- $28,000 was utilized to pay for basic A/E services to add revisions for the jury courtrooms.

These additional services left an unused balance in the A/E Contingency of $15,836.

b) Amendment No. 1 provided for a partial replenishment of the original contingency allowance in the amount of $526,500, in addition to the $15,836 balance left unused as disclosed above. Out of this allowance account, the following expenditures were realized:
   - $495,000 was utilized to pay for additional services by HOK to produce construction documents and specifications for low voltage systems. These systems, commonly known as Division 17 elements, include but are not limited to, public address (P.A.) systems, data, telephone, building management systems, audio/video, and security; and
   - $45,050 was spent towards the geotechnical evaluation and report of the foundation.

   The current balance in the A/E Contingency is $2,286.

As a result of these expenditures, the Contingency Allowance Account of $1,236,836 has a remaining balance of $2,286. Considering the fact that construction progress has reached approximately 47%, ISD requests that the Contingency Allowance Account be replenished in the amount of $742,102 equal to 60% of the original amount. This action will provide the PSA with the necessary funding to allow the Architect of Record to address any unforeseen conditions that may be identified through the completion of the Project.

2) Replenishment of A/E Contingency Allowance Account:
The overall Construction Project Budget is $140.6M, which includes a line item in the amount of $763,164, to partially replenish the A/E Contingency through the end of the Project. At present, the Construction of the Project is nearly at mid-point (47%) of the Project Schedule, with a final completion date of October 21, 2013. In order to address any unforeseen construction conditions between today and the final completion of construction that may require additional architectural services, ISD hereby requests that the existing budget line item ($763,164) be approved as an addition to the existing Hellmuth, Obata, and Kassabaum (HOK) Professional Services Agreement, to partially replenish the A/E Contingency, and thereby increase the total PSA amount by this figure, in addition to the $2,286 remaining balance as disclosed above.

3) Establishment of new Dedicated Allowance Account:
Special Roofing Inspector: the services of a specialized roof inspector will be provided by Architects International, Inc. to oversee the installation of the "green roof" system. The scope of work includes, but is not limited to, shop drawings review, quality assurance, responses to requests for information, and supervision of roof installation. The cost of this work is estimated in the amount of $76,590. As a result, ISD requests that a Dedicated Allowance Account be created in the aggregate amount of $76,590.

Monetary Justification: (Continued)

The amount of $76,590 is required to provide funding for the special Roofing Inspector

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.