

Memorandum



Date: July 18, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

Agenda Item No. 8(N)(2)

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Supplemental Agreement No. 1 Increasing the Use of Charter County Transportation Surtax Funds for a Professional Services Agreement for Construction, Engineering and Inspection Services

Executive Summary

The purpose of this item is to gain approval from the Board of County Commissioners (Board) for Supplemental Agreement No. 1, increasing the use of Charter County Transportation Surtax Funds by \$2,174,000 under the Professional Services Agreement (PSA) with R.J. Behar & Company, Inc. for the delivery of Construction, Engineering and Inspection (CEI) services for the Department of Transportation and Public Works (DTPW). R.J. Behar & Company, Inc., was one of four non-exclusive PSAs approved by the Board to provide DTPW with CEI services required for contract administration and inspection for projects. It is necessary, and the most fiscally responsible option, for DTPW to establish these PSAs for CEI services to supplement in-house staff when the workload exceeds the number of available staff. Additionally, the CEI contracts provide expertise for complex projects typically not implemented by the department.

As originally approved, the PSA with R.J. Behar & Company, Inc. covered various projects and included \$753,384 in Surtax Funds. This supplemental agreement is specifically to provide CEI services for one project, and if approved, the total use of PTP funds on the project will be \$2,927,384.

The project, widening NW 37th Avenue from NW North River Drive to NW 79th Street, was included in the County's bond sale that took place before October 1, 2022. Consequently, the use of Charter County Surtax funds is allowed under state law, i.e., SB 385. No additional time is required under this amendment.

Recommendation

This Supplemental Agreement No. 1 to the PSA with R.J. Behar & Company, Inc. to provide CEI services for various DTPW projects, *Project No. E-19-DTPW-09, Contract No. 20190190*, has been prepared by DTPW. The supplemental agreement authorizes an increase in use of transportation surtax funds from \$753,384 to \$2,927,384 for the project along NW 37th Avenue from NW North River Drive to NW 79th Street.

Per Miami-Dade County Code Section 29-124(f), this Supplemental Agreement may only be considered by the Board if the Citizens' Independent Transportation Trust (CITT) has forwarded a recommendation to the Board prior to the date scheduled for Board consideration or 45 days have elapsed since the filing with the Clerk of the Board of this

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and Members, Board of County Commissioners

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Supplemental Agreement. If the CITT has not forwarded a recommendation and 45 days have not elapsed since the filing of this Supplemental Agreement, the Administration will request a withdrawal of this item.

PROJECT NAME: PSA for Construction Engineering and Inspection Services for Various DTPW Projects

PROJECT NO: E19-DTPW-09

CONTRACT NO: 20190190

CONTRACT

DESCRIPTION: DTPW has established four non-exclusive PSAs to provide CEI services required for contract administration and inspection for various DTPW projects. This Supplemental Agreement will increase the use of Charter County Transportation Surtax Funds by \$2,174,000, to one of the four firms, R.J. Behar & Company, Inc.

Delegation of Authority

In accordance with Section 2-8.3 of the County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the original resolution, which includes authority for the County Mayor or County Mayor's designee to execute this Supplemental Agreement.

Fiscal Impact/Funding Source

The fiscal impact will be approximately \$2,174,000, increasing the total use of PTP funds to \$2,927,384. The work is to be funded by the People's Transportation Plan Bond Program (PTP).

PTP FUNDING: Yes

GOB FUNDING: Yes

ARRA FUNDING: No

CAPITAL BUDGET

PROJECTS:

There is a fiscal impact associated with this Supplemental Agreement No. 1, which increases the contract amount by \$2,174,000, increasing the total use of PTP funds to \$2,927,384 (originally \$753,384). This Supplemental Agreement is funded from a capital project included in the FY 2022-23 Adopted Multi-Year Capital Plan. Program ID# 2000000540, ROAD WIDENING – COUNTYWIDE, Project ID#: 75636. Project Name: WIDEN NW 37 AVENUE FROM NORTH RIVER DRIVE TO NW 79 STREET.

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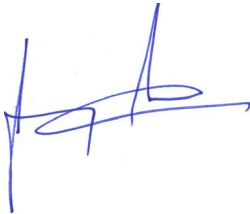
The combined total cost for all work authorized under this contract shall not exceed the contract award amount plus this the amount being added through this Supplemental Agreement.

Track Record/Monitor

Rene Idarraga, P.E., Chief, Construction Division, DTPW, is responsible for monitoring this project.

Background

This PSA was previously approved to provide CEI services for multiple projects. At the time the item was prepared for Board approval, the Office of Management and Budget (OMB) requested the identification of preliminary projects for which the CEI services would be applied. Those projects were submitted as part of Exhibit B of the original item with the stipulation that additional projects could be included. Since the approval of the PSA, other PTP-funded projects, including NW 37th Avenue from NW North River Drive to NW 79th Street, have been awarded for construction and require CEI services. This item seeks authority to increase the use of budgeted Charter County Transportation Surtax Funds to fund CEI services utilizing this contract. The NW 37th Avenue from NW North River Drive to NW 79th Street project was included in the County's bond sale which took place before October 1, 2023. Consequently, the use of Charter County Surtax funds is allowed under the restrictions set forth in SB 385 and is consistent with Florida Statutes 212.055, and Sections 29-124 and 2-1421 of the County Code.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 18, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(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
Veto _____
Override _____

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7-18-23

RESOLUTION NO. _____

RESOLUTION APPROVING SUPPLEMENTAL AGREEMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENTS (PSA) TO PROVIDE CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES FOR VARIOUS DTPW PROJECTS, PROJECT NO. E19-DTPW-09; CONTRACT NO. 20190190, AND INCREASING THE CONTRACT AMOUNT BY \$2,174,000.00; AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THIS PURPOSE; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS 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:

Section 1. Approves Supplemental Agreement No. 1 for Professional Services Agreements (PSA) to provide CEI services required for contract administration and inspection for various DTPW Projects under Project No. E19-DTPW-09; Contract No. 20190190, and increasing the contract amount by \$2,174,000.00.

Section 2. Authorizes the use of PTP funds of up to \$2,174,000.00.

Section 3. Authorizes the County Mayor or County Mayor's designee to execute Supplemental Agreement No. 1 in substantially the forms attached hereto, for and on behalf of Miami-Dade County, and to exercise all provisions contained therein.

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:

Oliver G. Gilbert, III, Chairman	
Anthony Rodríguez, Vice Chairman	
Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

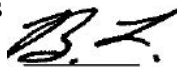
The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of July, 2023. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Bruce Libhaber

SUPPLEMENTAL AGREEMENT NO. 1 TO THE
PROFESSIONAL SERVICES AGREEMENTS
(PSA) TO PROVIDE CONSTRUCTION
ENGINEERING AND INSPECTION (CEI)
SERVICES FOR VARIOUS DTPW PROJECTS.
PROJECT NO. E19-DTPW-09; CONTRACT NO.
20190190, BETWEEN MIAMI-DADE COUNTY,
FLORIDA, AND R.J. BEHAR & COMPANY, INC.

This First Supplemental Agreement is made and entered into as of the ___ day of _____
2023 by and between Miami-Dade County, Florida, a public body, hereinafter referred to as the
“COUNTY”, and R.J. Behar & Company, Inc., hereinafter referred to as the “CONSULTANT”.

WITNESSETH

WHEREAS, Miami-Dade County (County) on January 20, 2021, entered into a Professional
Services Agreement with CONSULTANT, to provide Professional Services for Construction Engineering
and Inspection (CEI) Services for various Department of Transportation and Public Works (DTPW).
Project No. E19-DTPW-09; Contract No. 20190190; and,

WHEREAS, the parties wish to make certain revisions in the Professional Services Agreement as
provided below.

NOW, THEREFORE, the parties hereto do mutually agree to amend the Professional Services
Agreement as follows:

SECTION I - COUNTY OBLIGATIONS

Refer to Section I, Paragraph No.3, and amend as follows:

The CONSULTANT shall submit a proposal upon DTPW's request prior to the issuance of a Notice to Proceed. As stated in Article 1.3, Scope of Services, of the Notice to Professional Services (NTPC) and attached as Exhibit A of this PSA. This contract is one (1) of four (4) contracts for CEI services required for contract administration and inspection for various DTPW projects. The Total Combined Maximum Limiting Amount of all contracts is not to exceed \$12,174,000.00. This is a task assignment type agreement. The Department will furnish the Consultant a task work order specifying the services to be performed and the fees to be paid for each project assigned under this agreement. No payment shall be made for the CONSULTANT'S time or services in connection with the preparation of any such proposal.

This Agreement, regardless of where executed, shall be governed by and construed according to the laws of the State of Florida, and venue shall be in Miami-Dade County, Florida.

IN WITNESS THEREOF the parties hereto have executed these presents this _____ day of _____, 2023.

ATTEST:

LUIS G. MONTALDO, CLERK AD
INTERIM

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

By: _____

By: _____
COUNTY MAYOR OR DESIGNEE

Approved by County Attorney
as to Form and Legal Sufficiency:

ATTEST:

By: *Kadi*

R.J. BEHAR & COMPANY, INC.
(Corporate Seal)

By: *R. J. Behar*






Memorandum



To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Javier A. Betancourt, Executive Director 

Date: June 30, 2023

Re: **CITT AGENDA ITEM 7A:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) APPROVE SUPPLEMENTAL AGREEMENT NO. 1 TO PROFESSIONAL SERVICES AGREEMENTS (PSA) TO PROVIDE CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES FOR VARIOUS DTPW PROJECTS, PROJECT NO. E19-DTPW-09; CONTRACT NO. 20190190, INCREASING THE CONTRACT AMOUNT BY \$2,174,000.00; AUTHORIZE THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THIS PURPOSE; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN **(DTPW – BCC LEGISLATIVE FILE NO. 231150) SURTAX FUNDS ARE REQUESTED**

On June 28, 2023, the CITT voted (7-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 23-011. The vote was as follows:

Oscar J. Braynon, Chairperson – Aye
Robert Wolfarth, 1st Vice-Chairperson – Aye
Paul J. Schwiep, Esq. – Aye

Hon. Peggy Bell – Aye
Joseph Curbelo – Aye
Qjuezari Harvey – Absent
L. Elijah Stiers, Esq. – Absent

Omar K. Bradford, Esq. – Absent
Meg Daly – Aye
Robert Ruano – Aye
Mary Street, Esq. – Absent

c: Jimmy Morales, Chief Operations Officer
Bruce Libhaber, Assistant County Attorney