

Date: April 18, 2023

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

From: Daniella Levine Cava
Mayor

Daniella Levine Cava

Agenda Item No. 3(B)(10)

Resolution No. R-358-23

Subject: Resolution Ratifying Amendment Number One to Agreement No. 17APCTE006

EXECUTIVE SUMMARY

The item seeks ratification of the action of the County Mayor or County Mayor's designee approving Amendment Number One to CHA Consulting, Inc. to provide Engineering Design and Related Services for the Connect to Protect: Little River Sewer Extension Project (the "Project") in the amount of \$440,000. These services will consist of performing design, permitting, procurement, and engineering services during construction of the proposed gravity sewer system for the Little River area. CHA Consulting, Inc. (f/k/a A&P Consulting Transportation Engineers Corp.) is already working on the design of a new force main associated with the extension project, and, therefore, they will be able to deliver the Project in the most cost effective and expeditious manner. The Little River Sewer Extension Project is being partially funded by a Coral Reef Protection and Restoration Grant issued by the Florida Department of Environmental Protection and Building Better Communities General Obligation Bond Program ("GOB") funds. This project is part of the County's Biscayne Bay restoration plan and an important element of the County's Sea Level Rise Strategy.

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) ratify the action of the County Mayor or County Mayor's designee for the funded project. This recommendation has been prepared by the Miami-Dade Water and Sewer Department (WASD).

SCOPE

As shown on Exhibit A, the Agreement with CHA Consulting, Inc. has countywide impact with services located in various commission districts; however, the Project specific to Amendment No. One is located in District 2, which is represented by Commissioner Bastien.

DELEGATION OF AUTHORITY

Pursuant to Section 2-8.2.12 of the Miami-Dade County Code related to Miami-Dade Water and Sewer Department's (WASD) Capital Improvement Programs Acceleration Ordinance (WASD's Acceleration Ordinance), the County Mayor or County Mayor's designee has been authorized to negotiate and settle claims, waive liquidated damages, and execute change orders that do not exceed ten percent (10%) of the base contract amount. This item does not seek any additional delegation of authority but rather seeks ratification of Amendment Number One that has already been approved by the County Mayor's designee as part of the resolution.

FISCAL IMPACT/FUNDING SOURCE

Amendment Number One to Agreement No. 17APCTE006; Project No. E15-WASD-03B, increases the total compensation award by four hundred forty thousand dollars (\$440,000.00), which is a ten percent (10%) increase.

Funding will be from Wastewater – Infrastructure Improvements OMB#: 200000149, Page 91
In the FY 2022 - 23 Adopted Budget and Multi-Year Capital Plan.
Funding source: BBC GOB Financing.

TRACK RECORD/MONITOR

WASD's Deputy Director, Planning Regulatory Compliance and Capital Infrastructure, Marisela Aranguiz, P.E. will oversee the implementation of Amendment Number One to Agreement No. 17APCTE006.

BACKGROUND

On July 18, 2017, the Board, via Resolution No. R-731-17, ratified the actions of the County Mayor's designee, as authorized under Section 2-8.2.12 of the Miami Dade County Code by approving an Agreement with CHA Consulting, Inc. to provide Engineering Design and Related Services for the Design of Small Diameter Water and Wastewater Pipelines for WASD's Wastewater and Water Collection, Transmission and Distribution System. The total award was \$4,400,000,000, including a ten percent (10%) contingency allowance and a six (6) year contract term with one (1) two (2) year option-to-renew, which may be exercised by the County Mayor or the County Mayor's designee.

WASD began a "Connect to Protect" program, which is an initiative focused on reducing potential health risks associated with compromised or failing septic systems and reducing nutrient loading into Biscayne Bay, by providing sewer access to properties currently served by septic systems. CHA Consulting, Inc. has been working on the design of the new force main associated with the overall Little River Sewer Extension Project, which is part of the Connect to Protect Program and is funded by Building Better Communities General Obligation Bond and the Coral Reef Protection and Restoration Grant issued by the Florida Department of Environmental Protection. Because CHA Consulting, Inc. is the Engineer of Record for a force main that will connect to the Project, WASD believes that CHA Consulting, Inc. is in a better position to deliver the Project in the most cost effective and expeditious manner; therefore, the additional design work needed for the Project is being added to the scope of work through Amendment No. One.

The Agreement was awarded with a twenty percent (20%) Architecture and Engineering (SBE-A/E) goal participation. On December 5, 2022, prior to issuance of Amendment Number One to Agreement No. 17APCT006, the Internal Services Department's Small Business Development (SBD) Division reviewed the Agreement for compliance and determined that CHA Consulting, Inc. is in compliance with the SBD requirements. See the SBD memorandum, attached hereto as Exhibit B.

Attached hereto as Exhibit C is Amendment Number One identified in this memorandum, which has been executed by the County Mayor or County Mayor's designee in accordance with WASD's Acceleration Ordinance. A copy of the original Agreement is available upon request from the Department's Intergovernmental Affairs Division.

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
Page 3

A handwritten signature in blue ink, appearing to read 'Jimmy Morales', is positioned above a horizontal line.

Jimmy Morales
Chief Operations Officer

Exhibit A

Ratification of Amendments/Change Orders Authorized by the WASD Accelerate Ordinance

Item Number	Dept. Name	Type of Solicitation	Contract No.		Project Name	Firm Awarded	Commission District	Change Order Amount		Funding Source(s)	Operations and Maintenance Costs	Est. Start Date	Contract Measures				Brief Project Description	
		Contract Type	Contract No.	Project No.				Change Order Time	Adjusted Contract Amount			Est. End Date	SBE Goods & Services	SBE A/E	SBE Construction	CWP Program		
1	WASD	Request for Qualifications/ Negotiations	Agreement No. 17APCTE006 Project No. E15-WASD-038		Engineering Design and Related Services for the Design of Small Diameter Water and Wastewater Pipelines for the Water and Sewer Department's Wastewater and Water Collection, Transmission and Distribution System	CHA Consulting, Inc., (f/k/a A&P Consulting Transportation Engineers Corp)	Various (Project specific to Amend- ment One is in District 2 Comm. Bastien)	(\$440,000) No Time Extension	Original Contract Amount \$4,400,000; Adjusted Contract Amount \$4,840,000	BBC GOB Funding	N/A	Agreement Effective Date 11/18/2016 (6 years with 2 year option-to-renew); 11/18/2024	N/A	20.00%	N/A	N/A	This project provides for the design, permitting, procurement, and engineering services during construction of a proposed gravity sewer system for the "Connect to Protect" program. Amendment No. One is for \$440,000.00 increase to the Agreement.	

MDC004

Memorandum



Date: December 5, 2022

To: Roy Coley, Director
Miami-Dade Water and Sewer Department

From: Gary T. Hartfield, Director *AG*
for Small Business Development Division
Internal Services Department

Subject: Project No. E15-WASD-03B, Engineering Design and Related Services for the Design of Small Diameter Water and Wastewater Pipelines for the Water and Sewer Department's Wastewater and Water Collection, Transmission and Distribution System (17APCT006) - Amendment Number One

Amendment Number One to Project No. E15-WASD-03B (17APCT006) was submitted to Small Business Development to review for application of Small Business Enterprise (SBE) measures. Amendment Number One increases the contract value by \$440,000.00. The contract was awarded with a 20% SBE - Architectural and Engineering (SBE-A/E) goal which will apply to Amendment Number One.

Resolution No. R-1001-15 requires County contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for Board approval.

The prime, CHA Consulting Inc. (f/k/a A & P Consulting Transportation Engineers Corp.) has requisitioned \$3,417,110.89 and been paid \$3,412,376.97 requiring \$683,422.18 in SBE-A/E participation for compliance with 20% of the work performed to date. The SBE-A&E firms have been paid \$974,003.36 in compliance with the SBE-A&E goal and Resolution R-1001-15. Please contact Alice Hidalgo-Gato, SBD Section Chief, at (305) 375-3153 if additional information is needed.

c: Marisela Aranguiz, Deputy Director, WASD
Margaret Moss, Chief, Small Business, WASD
Edith Brown, Chief, Contract Compliance, WASD
Patty Palomo, Chief, Intergovernmental Affairs, WASD
SBD Section Chiefs, ISD

EXHIBIT C

AMENDMENT NUMBER ONE
TO
NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT
BETWEEN MIAMI-DADE COUNTY
AND
CHA CONSULTING, INC.
AGREEMENT NUMBER 17APCT006

THIS AMENDMENT NUMBER ONE is made and entered into this 23 day of January, 2023 ("Effective Date"), by and between MIAMI-DADE COUNTY, a political subdivision of the State of Florida (hereinafter referred to as the "COUNTY"), and CHA CONSULTING, INC (f/k/a A&P CONSULTING TRANSPORTATION ENGINEERS CORP.), a Florida corporation authorized to do business in the State of Florida and with offices in Miami-Dade County (hereinafter referred to as "ENGINEER," and collectively with the County, the "Parties").

WITNESSETH

WHEREAS, on July 18, 2017, the Board of County Commissioners (Board), via Resolution No. R-731-17, ratified the actions of the County Mayor's designee, as authorized under Section 2-8.2.12 of the Miami Dade County Code approving a Non-Exclusive Professional Services Agreement with A&P CONSULTING TRANSPORTATION ENGINEERS CORP. ("APCTE") to provide Engineering Design and Related Services for the Design of Small Diameter Water and Wastewater Pipelines for the Miami-Dade Water and Sewer Department's (WASD) Wastewater and Water Collection, Transmission and Distribution System, Project No. E15-WASD-03B, Agreement No. 17APCTE006 (the "Agreement") with a total compensation amount of \$4,400,000,000, including a ten percent (10%) contingency allowance and a six (6) year contract term with one (1) two (2) year option-to-renew, which may be exercised by the County Mayor or the County Mayor's designee; and

WHEREAS, WASD began a "Connect to Protect" program, which is an initiative focused on reducing potential health risks associated with compromised or failing septic systems and reducing nutrient loading into Biscayne Bay, by providing sewer access to properties currently served by septic systems; and

WHEREAS, APCTE has been working on the design of the new force main associated with the overall West Little River Sewer Extension Project (the "Project"), which is part of the "Connect to Protect" Program and is funded by Building Better Communities General Obligation Bond; and

WHEREAS, recently, APCTE was acquired by the ENGINEER, and, with the County's consent, the Agreement was assigned to the ENGINEER; and

WHEREAS, the County has requested, and the ENGINEER has agreed, to continue to perform design, permitting, procurement, and engineering services during construction of a proposed gravity sewer system for the Project; and

WHEREAS, the value of the original Agreement was \$4,400,000.00, including a contingency that has already been depleted; and

WHEREAS, in accordance with Section 2-8.2.12 of the Code of Miami Dade, the WASD Director has been delegated the authority to modify contract values up to ten percent (10%) of the base contract value; and

WHEREAS, this Amendment Number One to the Agreement will increase the total compensation by four hundred and forty thousand dollars (\$440,000.00),

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the County and ENGINEER hereby agree to the following:

1. The foregoing recitals are true and correct and are incorporated into the body of this Agreement, as if fully set forth herein.
2. Section 11 of the Agreement is hereby modified to state the following:

11. COMPENSATION FOR SERVICES:

* * * *

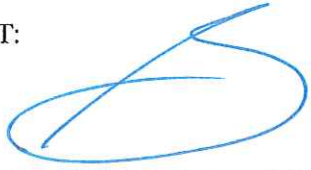
11.D. MAXIMUM COMPENSATION: The total of all payments to the ENGINEER pursuant to this Agreement shall not exceed four million four hundred and forty thousand dollars (\$4,440,000.00), including the contingency allowance. No minimum amount of compensation is guaranteed to the ENGINEER. Maximum Compensation may not be increased for the entire duration of the Agreement without approval by the County Mayor or County Mayor's designee in accordance with his powers granted under Section 2-8.2.12 or if beyond such authority, through written amendment approved by the Board of County Commissioners.

3. All terms, covenants and conditions of the Agreement not expressly modified or revised herein shall remain in full force and effect.

(SIGNATURES ON THE NEXT PAGE)

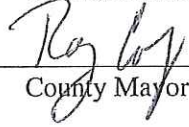
IN WITNESS WHEREOF the Parties hereto have executed this Amendment Number One by their duly authorized officers on the date first written above.

ATTEST:

By: 

Luis G. Montaldo
Clerk AD Interim

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

By: 

County Mayor

ATTEST:

Gene Spencer - e102883



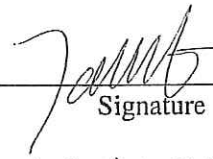
CHA CONSULTING, INC.
(Corporate Seal)



By: 

Signature

Michael A. Platt, Secretary
Print Name

By: 

Signature

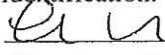
James B. Stephenson, President
Print Name

STATE OF NEW YORK
COUNTY OF ALBANY

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1st day of December, 2022 by James B. Stephenson as President, and Michael A. Platt, as Secretary, CHA Consulting, Inc., a corporation in New York on behalf of the company, who is personally known to me or has produced (type of identification) as identification.

[Notary Seal]

NIKKI C. DAMES
NOTARY PUBLIC-STATE OF NEW YORK
No. 02DA6253381
Qualified in Schenectady County
My Commission Expires 12-27-2023


(Signature of person taking acknowledgment)

NIKKI C. Dames
(Name typed, printed or stamped)

02DA6253381
(Serial number, if any)

Approved for Legal Sufficiency:



Assistant County Attorney



MEMORANDUM

(Revised)

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

DATE: April 18, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(B)(10)

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 _____

Agenda Item No. 3(B)(10)
4-18-23

RESOLUTION NO. R-358-23

RESOLUTION RATIFYING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE'S EXECUTION OF AMENDMENT NO. ONE TO AGREEMENT NO. 17APCT006 BETWEEN MIAMI-DADE COUNTY AND CHA CONSULTING, INC. TO PROVIDE ENGINEERING DESIGN AND RELATED SERVICES FOR THE CONNECT TO PROTECT: LITTLE RIVER SEWER EXTENSION PROJECT, PURSUANT TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE, SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, WHICH AMENDMENT NO. ONE INCREASES THE CONTRACT AMOUNT BY \$440,000.00 TO BE FUNDED, IN PART, THROUGH BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

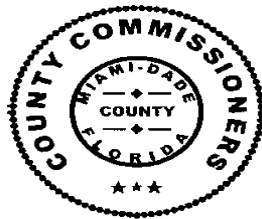
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies the County Mayor or County Mayor's designee's execution of Amendment No. One between Miami-Dade County and CHA Consulting, Inc. to provide Engineering Design and Related Services for the Connect to Protect: Little River Sewer Extension Project under the Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance, section 2-8.2.12 of the Code of Miami-Dade County, Florida, and increases the Contract amount by \$440,000.00, which will be funded, in part, through Building Better Communities General

Obligation Bond Program funds; and authorizes the County Mayor or County Mayor's designee to exercise the provisions contained in the Agreement. The original Agreement is available upon request from the Procurement Division of the Miami-Dade Water and Sewer Department.

The foregoing resolution was offered by Commissioner **Danielle Cohen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Oliver G. Gilbert, III** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 18th day of April, 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis