

Memorandum



Date: July 6, 2023

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

Agenda Item No. 8(N)(5)

From: Daniella Levine Cava
Mayor

Resolution No. R-609-23

Subject: Supplemental Agreement No. 2 with HNTB Corporation for Construction, Engineering and Inspection Services for the South Corridor Rapid Transit Project; Authorizing the Use of People's Transportation Plan Bond Program Funds for Such Purposes

Executive Summary:

The purpose of this item is to gain approval from the Board of County Commissioners (Board) to extend the Professional Services Agreement (PSA) with HNTB Corporation for Construction, Engineering and Inspection Services (CEI) for the South Corridor Rapid Transit Project by 400 calendar days with an increase of \$3,700,000. This increase to the contract will be partially funded by the People's Transportation Plan Bond Program.

The design-build contract with OHLA Contractor Inc. for the South Dade Corridor was extended by the Board under Resolution No. R-940-22, due to global supply chain disruptions affecting concrete, steel, and communications equipment, amongst other items. That extension did not include additional compensation, only time. This contract provides oversight for the contract with OHLA. As a result of the additional time being requested for the construction contract, as well as expanded scope and additional staff needed to provide oversight on various concurrent work locations along the 20-mile corridor, the contract to HNTB Corporation for CEI services will need to be extended. This item to extend the agreement for CEI services was not brought in companion with the extension of the construction contract due to the more extensive analysis required.

Recommendation

This Supplemental Agreement No. 2 for *Contract No. CIP155-DTPW19-CEI* between HNTB Corporation and Miami-Dade County has been prepared by the Department of Transportation and Public Works (DTPW) and is recommended for approval by the Board pursuant to Section 2-8.1 of the County Code. Supplemental Agreement No. 2 extends the contract duration by 400 calendar days and increases the contract amount by \$3,700,000. The increase is a result of County requested additions in scope to *Contract No. CIP-155-DTPW19-DB* with OHLA USA, Inc. for the conduction on the South Dade Corridor that was approved by the Board under Resolution No. R-940-22; that approval extended the design-build contract by 327 days. As a result of the additional time approved, this CEI PSA needs to be extended to oversee the additional work for the entirety of the construction contract plus the close out period.

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 supplemental agreement. If CITT has not forwarded a recommendation and 45 days have not elapsed since the filing of this supplemental agreement, a request for withdrawal of this item will be submitted.

Scope

HNTB Corporation is providing CEI services including, but not limited to, construction inspection, materials sampling and testing, and contract administration in support of the South Corridor Rapid Transit Project that extends from SW 344 Street to the Dadeland South Station within Districts 7, 8, and 9, represented by Commissioners Raquel A. Regalado, Danielle Cohen Higgins, and Kionne L. McGhee, respectively.

Delegated 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 resolution, which includes authority for the County Mayor or County Mayor's Designee to execute this supplemental agreement.

Fiscal Impact/Funding Source

There is a fiscal impact associated with Supplemental Agreement No. 2, which extends the contract duration by 400 calendar days and increases the contract amount by \$3,700,000. There are no operation and maintenance costs for this award. This project is funded from various capital projects included in the FY 2022-23 Adopted Multi-Year Capital Plan with multiple funding sources as outlined below. The item authorizes the use of People's Transportation Plan Bond Program funds in the amount of \$1,486,166.66, Program ID# 2000000973 and Project #3002043 plus Program ID# 2000001092 and Project #3002157.

Contract Award Funding Sources:	Program ID	Project No.	Fund Code	Additional Amount
Charter County Transit System Surtax (PTP)	2000000973	3002043	ET008	\$1,042,166.67
Charter County Transit System Surtax (PTP)	2000001092	3002157	ET062	\$444,000.00
			PTP Total:	\$1,486,166.67
FTA Section 5309 Discretionary Grant	2000000973	3002043	ET005	\$1,042,165.67
			FTA Total:	\$1,042,165.67
FDOT New Starts	2000000973	3002043	ET005	\$1,042,166.67
			FDOT Total:	\$1,042,166.67
RIF DIST 1	2000001874	3003615	CI001	\$44,700.14
RIF DIST6	2000001874	3003616	CI006	\$44,700.14
RIF DIST 6	2000000538	77243	CI006	\$40,099.72
			RIF Total:	\$129,500.00
			Total Amount:	\$3,700,000.00

Track Record/Monitor

Alfredo Munoz, DTPW Chief of Contract Services, oversaw the administration of the supplemental agreement, and Rakeshpal S. Gill, DTPW Construction Manager 3, is responsible for the project's implementation.

Background

The South Dade TransitWay is an existing 20-mile-long corridor connecting South Dade to the existing elevated heavy rail transit system known as the Metrorail. The South Corridor Project was in the Original Exhibit 1 to the PTP. This Strategic Miami Area Rapid Transit (SMART) Project provides the County an opportunity to significantly improve access to and modernize the South Dade TransitWay.

The South Dade TransitWay serves as the economic spine of several communities in South Miami-Dade. Communities along the corridor have experienced the fastest growth rate in the County and, as a result, are experiencing an increasing demand for transportation infrastructure. The South Corridor serves as a critical transportation link, offering one of the few connections between South Dade communities and the rest of the County. The residents of these communities have expressed a strong desire for transit improvements along the corridor. Currently, about 20 percent of the total County population resides in South Miami-Dade County, according to the 2010 US Census Growth Projections from 2010 to 2040, indicating that the County's southern portion will experience an approximate 50 percent increase in population and an approximate 65 percent increase in employment, representing the highest growth rate in the County. The communities along the corridor depend on the South Dade TransitWay for reliable access to jobs north of the corridor, in Downtown Miami, the Health District, in and around Miami International Airport and in the northern part of the County. The corridor currently serves more than 13,000 transit boardings each day. Ridership projections for the proposed BRT system forecast more than 20,000 daily trips.

On April 21, 2016, the Miami-Dade Transportation Planning Organization (TPO) Governing Board officially adopted and endorsed the SMART Plan. The SMART Plan intends to advance six of the PTP's rapid transit corridors, along with a network system of Bus Express Rapid Transit service throughout the County. The South Corridor is one of the six corridors included in the SMART Plan and runs along the South Dade TransitWay between the Dadeland South Metrorail Station and SW 344 Street in Florida City. The South Corridor is the first of the six SMART Plan corridors to move forward towards the implementation phase. The project entered the Small Starts Process in the Fall of 2018, received a 'High' rating from the Federal Transit Administration (FTA) on February 10, 2020, and received a federal funding allocation of \$99,999,999. On May 29, 2020, FDOT committed \$100,000,000 towards the Project, approved by the Board as Resolution No. R-353-20. As the first SMART Plan Corridor scheduled to be implemented, the South Corridor BRT Project will become a critical element of an enhanced multimodal transportation system that will anchor transformative, positive, and long-lasting quality of life-benefits at the local and regional levels.

Advancing the South Corridor Project was identified as Priority I by the Miami-Dade TPO and on August 30, 2018, the Board of the Miami-Dade TPO selected BRT as the Locally Preferred Alternative (LPA) for the South Corridor.

BRT was selected as the LPA because it could meet the travel demand needs of the corridor cost-effectively by reducing travel times between South Miami-Dade and the Dadeland South Metrorail Station. The Project will provide riders with time savings and rail-like features and amenities such as 14 iconic stations with climate control elements, level boarding, improved travel time through transit signal preemption and crossing gates at 45 intersections, dedicated right-of-way, the pre-paid fare for speedy boarding, branded vehicles and stations, enhanced safety features, passing lanes at stations and real-time arrival information. Stations will be designed to facilitate the future conversion of the stations from BRT to at-grade heavy rail if the possibility arises.

On October 4, 2019, a Notice to Professional Consultants (NTPC) was advertised under full and open competition for CEI services for the South Dade TransitWay project. On January 31, 2020, HNTB Corporation was found in compliance with the applicable FTA and Disadvantaged Business Enterprise (DBE) requirements established for the solicitation. On February 2, 2021, the contract was awarded with a not to exceed amount of \$21,185,737.85 (inclusive of the contingency allowance and the supplemental agreement amounts), to HNTB Corporation.

According to the ISD Division of Small Business Development's (SBD) database, there are no violations on record within the last three years for HNTB Corporation. The Project has been assigned a 20 percent DBE goal. According to the Firm History Report provided by SBD, within the last three years, HNTB Corporation has held four contracts, three through the Equitable Distribution Program (EDP), with a total value of \$2,085,000 and no change orders.

The Project complies with all applicable federal, state, and local regulations including the Sustainable Buildings Ordinance and the Sea Level Rise Ordinance. The Project will conform with and be both Envision and Park Smart "Silver" certified.

Due to global supply chain disruptions, the construction of the improvements has been delayed. Materials being affected by the supply chain disruption include concrete, steel, and communications equipment, amongst other items. A Change Order for 327 non-compensable days has been approved under Resolution No. R-940-22 by the Board *for Contract No. CIP-155- DTPW19-DB* between OHLA USA, Inc. and Miami-Dade County, for which this contract provides oversight. As a result of the additional time being requested to the construction contract, the contract to HNTB Corporation for CEI services will need to be extended.



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: July 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(5)

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. 8(N)(5)
7-6-23

RESOLUTION NO. R-609-23

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 2 BETWEEN HNTB CORPORATION AND MIAMI-DADE COUNTY FOR PROJECT TITLED SOUTH CORRIDOR RAPID TRANSIT, CONTRACT NO. CIP155-DTPW19-CEI, TO EXTEND THE CONTRACT DURATION BY 400 CALENDAR DAYS AND TO INCREASE THE CONTRACT AMOUNT BY \$3,700,000.00, AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THIS PURPOSE

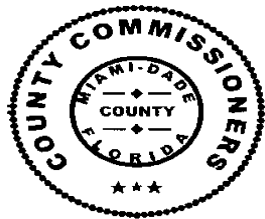
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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 Supplemental Agreement No. 2 between HNTB Corporation and Miami-Dade County for the project titled South Corridor Rapid Transit Contract No. CIP155-DTPW19-CEI, extending the contract duration by 400 calendar days and increasing the contract amount by \$3,700,000.00, and authorizing the use of People's Transportation Plan Bond Program funds for such purposes.

The foregoing resolution was offered by Commissioner **Eileen Higgins**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** 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 absent
Roberto J. Gonzalez	aye	Keon Hardemon aye
Danielle Cohen Higgins	aye	Eileen Higgins aye
Kionne L. McGhee	nay	Raquel A. Regalado absent
Micky Steinberg	aye	

The Chairperson thereupon declared this resolution duly passed and adopted this 6th 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: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber

**SUPPLEMENTAL AGREEMENT NO. 2 TO THE
PROFESSIONAL SERVICES AGREEMENT
BETWEEN MIAMI-DADE COUNTY, FLORIDA
AND HNTB CORPORATION**

This First Supplemental Agreement is made and entered into as of the ____ day of _____
2022 by and between Miami-Dade County, Florida, a public body, hereinafter referred to as the
"COUNTY", and HNTB Corporation, hereinafter referred to as the "CONSULTANT").

WITNESSETH

WHEREAS, the COUNTY and the CONSULTANT entered into a Professional Services Agreement to provide Construction, Engineering and Inspection Services for the South Corridor (South-Dade Transitway) Rapid Transit Project, Contract Number CIP155-DTPW19-CEI; and

WHEREAS, the parties wish to make certain revisions in the Professional Services Agreement as provided below a result of County requested additions in scope, additional staff needed to provide oversight on various concurrent work locations along the 20-mile corridor, and the 327 day extension of Design-Build Contract No. CIP-155- DTPW19-DB between OHLA Contractor Inc. and the County.

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

SECTION II – PROFESSIONAL SERVICES

No Additional services are being added. The Design Build project was extended by 327 days, impacting the duration and compensation for this PSA.

SECTION IV – COMPENSATION

Remove first paragraph included under Section IV, Paragraph F Maximum Compensation, and append with the new paragraphs as follows:

F. MAXIMUM COMPENSATION

Although the COUNTY makes no assurances that any work orders will be issued to the CONSULTANT, the total payments to the CONSULTANT pursuant to this Agreement shall not exceed \$24,885,737.85 (inclusive of base amount and the contingency allowance amount). Refer to Exhibit L – HNTB Corporation's Fee Breakdown.

The maximum compensation for Additional Construction, Engineering and Inspection Services (CEI) included in this Supplemental Agreement shall be \$3,700,000.00. Exhibit "L-1" which is a part of this Agreement (Exhibit "L", and all related provisions, continues to be a part of this agreement). Revision to the fee allocations shown on the Exhibit "L-1" are permissible, subject to the approval of the COR or designee as long as the contract ceiling is not exceeded. No additional moneys will be allocated to the Allowance Account, under this Supplemental Agreement Number 2.

SECTION XV – DURATION OF AGREEMENT

Remove first paragraph included under Section XV, and append with the new paragraph as follows:

This Agreement shall remain in full force and effect for a period of 1,310 Calendar Days after its date of execution and issuance of the Notice to Proceed, or until depletion of the funds allocated to pay for the cost of the services described in the Agreement.

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 _____, 2022.

ATTEST:

LUIS G. MONTALDO

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

By: _____

By: _____
COUNTY MAYOR

Approved by County Attorney

as to Form and Legal Sufficiency:

ATTEST:

HNTB CORPORATION
(Corporate Seal)

By: Marcie Henderson

By: [Signature]





Memorandum



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

From: Javier A. Betancourt, Executive Director 

Date: May 26, 2023

Re: **CITT AGENDA ITEM 7C:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST
RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) AUTHORIZE
THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE
SUPPLEMENTAL AGREEMENT NO. 2 BETWEEN HNTB CORPORATION AND MIAMI-
DADE COUNTY FOR PROJECT TITLED SOUTH CORRIDOR RAPID TRANSIT,
CONTRACT NO. CIP155-DTPW19-CEI, TO EXTEND THE CONTRACT DURATION BY
400 CALENDAR DAYS AND TO INCREASE THE CONTRACT AMOUNT BY
\$3,700,000.00, AUTHORIZE THE USE OF CHARTER COUNTY TRANSPORTATION
SURTAX FUNDS IN THE AMOUNT OF **\$1,486,166.67** FOR THIS PURPOSE (**DTPW –
BCC LEGISLTATIVE FILE NO. 230807**) **SURTAX FUNDS ARE REQUESTED**

On May 24, 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. 23-009. The vote was as follows:

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

Hon. Peggy Bell – Absent
Joseph Curbelo – Aye
Qjuezari Harvey – Aye
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