

Memorandum



Date: April 16, 2024

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

From: Daniella Levine Cava
Mayor

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

Agenda Item No. 8(O)(6)

Resolution No. R-327-24

Subject: Resolution Approving Amendment Number Two to Agreement No. 16BRCA005
for Engineering Services

Executive Summary

This item seeks approval from the Board of County Commissioners (the "Board") to amend a Non-Exclusive Professional Service Agreement between Miami-Dade County (the "County") and Brown & Caldwell Corporation ("Brown & Caldwell"), Agreement No. 16BRCA005 (the "Agreement"), for the provision of engineering services at the North District Wastewater Treatment Plant ("NDWWTP") and its appurtenant facilities. Amendment Number Two (the "Amendment") will extend the Contract term for an additional two (2) years from April 29, 2024 to April 29, 2026, and includes no additional compensation.

The Agreement with Brown & Caldwell was underutilized due to project delays stemming from labor shortages and supply chain disruptions. Consequently, there remains an unspent balance of \$976,620 from the initial contract amount of \$8,800,000. Extending the Agreement will enable WASH to optimize the use of the remaining allocated funds, to address critical infrastructure needs that would enhance reliability and capacity at the NDWWTP. This extension would afford WASH sufficient time to thoroughly evaluate and strategically assign Brown & Caldwell to targeted projects, ensuring maximum efficiency and effectiveness in project execution.

Recommendation

It is recommended that the Board approve the Amendment, which extends the Agreement by two (2) years from April 29, 2024 to April 29, 2026, with no additional compensation added. A copy of the Amendment is attached hereto as Exhibit "A."

Scope

The NDWWTP is located at 2575 NE 156 St., North Miami, Florida, 33160, in Commission District 4, which is represented by Commissioner Micky Steinberg.

Delegation of Authority

Upon approval of this item, the County Mayor or County Mayor's designee shall have the authority to execute Amendment Number Two to Agreement No. 16BRCA005 and to exercise all provisions contained therein.

Fiscal Impact/Funding Source

The Amendment has no fiscal impact on the County because no additional compensation is being added to the Agreement.

Track Record/Monitor

WASD Deputy Director of Planning Regulatory Compliance & Capital Infrastructure Marisela Aranguiz-Cueto, P.E., will oversee the implementation of the Amendment.

Background

On June 21, 2016, the Board, via Resolution No. R-544-16, ratified the actions of the County Mayor's designee, which approved the award of Agreement No. 16BRCA005 to Brown and Caldwell for the provision of professional engineering services for the proposed upgrades to the NDWWTP. The term of the Agreement was for six (6) years, from April 29, 2016 to April 29, 2022, and included a two (2)-year option to renew ("OTR") to be exercised at the discretion of the County Mayor or County Mayor's designee. On February 23, 2022, the County Mayor's designee approved Amendment Number One, which exercised the two-year OTR and extended the Agreement to April 29, 2024. Because the Agreement was underutilized and funding remains, the time extension through this Amendment Number Two will enable WASD to utilize the remaining allocated funds and address its infrastructure needs in the most cost-effective way.

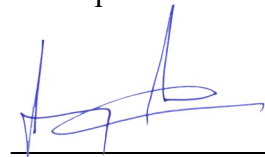
Due Diligence/Safety Information

Pursuant to Resolution No. R-187-12, and in accordance with the Strategic Procurement Department's guidelines, WASD conducted due diligence to determine Brown & Caldwell's responsibility. There were no adverse findings related to the responsibility of Brown & Caldwell.

Small Business Enterprise Measures

On October 20, 2023, the Small Business Development Department (SBD) reviewed the Amendment for contract compliance and determined that because Amendment Number Two is a non-compensatory time extension, pursuant to Resolution No. R-525-17, small business measures do not apply. See SBD memorandum, attached hereto as Exhibit "B."

A copy of the original Agreement and Amendment Number One are available upon request from the Department's Intergovernmental Affairs Division.



Jimmy Morales
Chief Operations Officer

**AMENDMENT NUMBER TWO
TO
NON-EXCLUSIVE PROFESSIONAL SERVICE AGREEMENT FOR
ENGINEERING SERVICES FOR THE PROPOSED UPGRADES TO THE MIAMI-DADE
NORTH DISTRICT WASTEWATER TREATMENT PLANT
AND ITS APPURTENANT FACILITIES
BETWEEN MIAMI-DADE COUNTY
AND
BROWN AND CALDWELL (CORPORATION)
AGREEMENT NO. 16BRCA005, PROJECT NO. E15-WASD-11**

This AMENDMENT NUMBER TWO is made and entered this _____ day of _____ 20__ (“Effective Date”), by and between MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida, (hereinafter, referred to as the “COUNTY”), and BROWN AND CALDWELL (CORPORATION), a California corporation authorized to do business in the State of Florida with offices in Miami-Dade County (hereinafter, the “ENGINEER”, and collectively with the COUNTY, the “Parties”).

WITNESSETH

WHEREAS, on June 21, 2016, the Board of County Commissioners (Board), via Resolution No. R-544-16, 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 Brown and Caldwell (Corporation), to provide Engineering and Related Design Services for the North District Wastewater Treatment Plant (“NDWWTP”) and its Appurtenant Facilities, Project No. E15-WASD-11, Agreement No. 16BRCA005 (the “Agreement”), with a total compensation amount of \$8,800,000 including a ten percent (10%) contingency allowance for a six (6) year term with one (1) two (2) year Option to Renew (“OTR”); and

WHEREAS, on February 23, 2022, in accordance with Section 2-8.2.12 of the Code of Miami-Dade, the County Mayor’s designee executed Amendment Number One exercising the one (1) two (2) year OTR starting April 29, 2022 and expiring April 29, 2024; and

WHEREAS, due to project delays resulting from labor shortages and supply chain issues, the ENGINEER services under the Agreement were underutilized, and the Agreement has a remaining balance of \$976,620; and

WHEREAS, Amendment Number Two will extend the Agreement an additional two (2) years from the current expiration date of April 29, 2024 to April 29, 2026; and

WHEREAS, Amendment Number Two does not add any additional monies to the Agreement; and

WHEREAS, Amendment Number Two to the Agreement is the most cost-effective approach to address the infrastructure needs related to reliability and capacity requirements at the NDWWTP and its Appurtenant Facilities,

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the COUNTY and Brown and Caldwell (Corporation) hereby agree to the following:

1. The Parties agree that the County will extend the Agreement for an additional two (2) years and that all work performed under the Agreement for this renewal term shall be performed under the same terms and conditions provided in the Agreement.

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

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment Number Two by having the same signed by their duly authorized representatives, the day and year first written above.

ATTEST: JUAN FERNANDEZ-BARQUIN,
CLERK OF THE COURT
AND COMPTROLLER

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

By: _____
(Deputy Clerk Signature)

By: _____
Daniella Levine Cava
County Mayor

Print Name: _____

Date: _____

WITNESSETH:

BROWN AND CALDWELL
(CORPORATION) (CORPORATE SEAL)

By: Robert D. Gooden
Signature

By: [Signature]
Signature

Robert D. Gooden, Secretary
Print Name

Ausent Perez, Vice President
Print Name

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this _____ day of _____, 20____, by _____, as President, and _____, as Secretary, _____, a _____, on behalf of the company, who is personally known to me or has produced (type of identification) as identification.

[Notary Seal]

(Signature of person taking acknowledgment)

(Name typed, printed or stamped)

Approved for Legal Sufficiency:

Assistant County Attorney

Amendment Number Two
Agreement No. 16BRCA005

See
California
Notary
Form

Page 2 of 2

MDC004

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

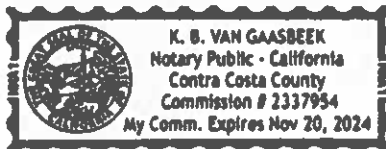
State of California

County of Contra Costa }

On November 17, 2023 before me, K.B. Van Gaasbeek Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared Robert D. Goodson
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Place Notary Seal and/or Stamp Above

Signature K.B. Van Gaasbeek
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Amendment #2 Miami Dade County and Brown & Caldwell Agmt

Document Date: NA Number of Pages: 2

Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: Robert D. Goodson

☒ Corporate Officer – Title(s): Secretary

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: Brown and Caldwell

Signer's Name: _____

☐ Corporate Officer – Title(s): _____

☐ Partner – ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer is Representing: _____

Memorandum



Date: October 20, 2023

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

From: Gary T. Hartfield, Director
Office of Small Business Development 

Subject: Project No. E15-WASD-11, Engineering Services for Proposed Upgrades to the Miami-Dade North District Wastewater Treatment Plant and its Appurtenant Facilities. (16BRCA005) - Amendment Number Two

Amendment Number Two to Project No. E15-WASD-11 (16BRCA005) was submitted to the Office of Small Business Development to review for application of Small Business Enterprise (SBE) measures. Amendment Number Two is for time extension only. The contract was awarded with a 35% SBE - Architectural and Engineering (SBE-A/E) goal which will remain the same.

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. Resolution R-525-17 exempted change orders or amendments for non-compensatory time extensions from this requirement. Amendment Two is for a time extension only, as such R-1001-15 does not apply.

The prime, Brown & Caldwell, Inc. has been paid \$6,508,050. The SBE-A/E firms have been paid \$926,999 equal to 14% of the amount paid to date. Please contact Alice Hidalgo-Gato, SBD Section Chief, at (305) 375-3153 if additional information is needed.

c: Marisela Aranguiz, Deputy Director, WASD
Juan Curiel, Chief, Assistant Director of Utility Construction, WASD
James Ferguson, Assistant Director, Planning and Regulation, WASD
Nelson Perez, Assistant Director, Utility Engineering, WASD
Laura Verdaguer, Legislative and Municipal Affairs Special Assistant, WASD
Margaret Moss, Chief, Small Business Initiatives, WASD
Edith Brown, Chief, Contract Compliance Division, WASD
Patty Palomo, Chief, Intergovernmental Affairs, WASD
Mike Ramos, Manager A&E Professional Services, WASD
Donna Palmer, SPA1, WASD
SBD Section Chiefs



MEMORANDUM

(Revised)

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

DATE: April 16, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(6)

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(O)(6)
4-16-24

RESOLUTION NO. R-327-24

RESOLUTION APPROVING EXECUTION OF AMENDMENT NUMBER TWO TO THE NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT BETWEEN MIAMI-DADE COUNTY AND BROWN & CALDWELL (CORPORATION), AGREEMENT NO. 16BRCA005, WHICH ADDS TWO YEARS TO THE TERM OF THE AGREEMENT AND EXTENDS THE AGREEMENT FROM APRIL 29, 2024 TO APRIL 29, 2026 IN ORDER TO ALLOW BROWN & CALDWELL (CORPORATION) TO CONTINUE TO PERFORM PROFESSIONAL ENGINEERING SERVICES AT THE NORTH DISTRICT WASTEWATER TREATMENT PLANT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE THE SAME AND 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 hereby approves the execution of Amendment Number Two to the Non-Exclusive Professional Services Agreement between Miami-Dade County and Brown & Caldwell (Corporation), Agreement No. 16BRCA005, in substantially the form attached to the accompanying memorandum as Exhibit A and made a part hereof. Amendment Number Two adds two years to the term of the Agreement and extends the contract from April 29, 2024 to April 29, 2026 in order to allow Brown & Caldwell (Corporation) to continue to perform professional engineering services at the North District Wastewater Treatment Plant. The Board also hereby authorizes the County Mayor or County Mayor's designee to execute the same and exercise the provisions contained therein for and on behalf of Miami-Dade County, Florida.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of April, 2024. 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.

SED

Sarah E. Davis