

Memorandum



Date: April 16, 2024

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

Agenda Item No. 8(O)(3)

From: Daniella Levine Cava
Mayor

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

Resolution No. R-324-24

Subject: Resolution Ratifying Amendment Number One to Non-Exclusive Professional Services Agreement for Engineering Design and Related Services for the Improvement, Upgrades, and Expansion of Regional and Booster Wastewater Pump Stations and Related Facilities Necessary for WASD's Capital Improvement Projects - Agreement No. 17JEGI002, Project No. E15-WASD-04

Executive Summary

This item seeks ratification of the approval and execution by the County Mayor or County Mayor's designee of Amendment Number One (the "Amendment") to the Non-Exclusive Professional Services Agreement between Jacobs Engineering Group, Inc. ("Jacobs") and Miami-Dade County (the "County") for Engineering Design and Related Services for the Improvement, Upgrades and Expansion of Regional and Booster Wastewater Pump Stations and Related Facilities Necessary for the Miami-Dade Water & Sewer Department's ("WASD") Capital Improvements Projects, Agreement No. 17JEGI002; Project No. E15-WASD-04 (the "Agreement"). The Amendment extends the Agreement for an additional two-years from February 21, 2024 to February 21, 2026 with no additional funding allocated.

The time extension to this Agreement will be utilized to design projects that will be funded by the Hazard Mitigation Program, which requires a lengthy process to obtain regulatory review and approval and, as a result, has impeded WASD and Jacobs' abilities to move forward with many of the projects Jacobs has been assigned to design. Due to this, there remains a balance of \$4,051,613 in the agreement.

Recommendation

It is recommended that the Board of County Commissioners (the "Board") ratify the action of the County Mayor or County Mayor's designee, as authorized under section 2-8.2.12 of the Code of Miami-Dade County related to WASD's Consent Decree and Capital Improvement Programs ("WASD Acceleration Ordinance"). Details about the Agreement and the Amendment are shown in Exhibit A attached hereto. A copy of the fully executed Amendment, which has been recorded with the Clerk of the Board, is attached hereto as Exhibit B.

Multi-Year Capital Improvement Project

WASD has embarked on a \$7.5 billion Capital Improvement Program. To ensure that the Program addresses infrastructure needs adequately and utilizes efficient solutions, WASD needs to update its regional and booster wastewater pump stations and related facilities.

Delegation Of Authority

This Agreement was awarded pursuant to WASD's Acceleration Ordinance, which delegates authority to the County Mayor or County Mayor's designee to award certain projects and, among

other things, negotiate and settle claims as well as execute amendments that do not exceed ten percent (10%) of the base contract amount, all subject to ratification by the Board.

Scope

Because the scope of services to be provided by Jacobs through this Amendment is for engineering services for projects located in various commission districts throughout the County, it will have countywide impact.

Fiscal Impact/Funding Source

There is no fiscal impact to the County for this two (2) year time extension.

Track Record/Monitor

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

Due Diligence/Safety Information

Due diligence was conducted by WASD and the Strategic Procurement Department ("SPD") in accordance with SPD's Procurement Guidelines to determine responsibility, including verifying corporate status; performance; safety record, including Occupational Safety and Health Administration ("OSHA") records; and compliance data. The lists that were reviewed include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federally excluded parties. There were no adverse findings related to the Contractor's responsibility. This information is being provided pursuant to Resolution No. R-187-12.

Background

On September 3, 2014, the Board approved Ordinance No. 14-77, authorizing the County Mayor or County Mayor's designee to award contracts for funded capital projects and related goods and services, and to accelerate the approval of WASD's: (1) Consent Decree projects and (2) projects identified in WASD's Multi-Year Capital Plan's Capital Improvements Program, without the need for prior Board approval but subject to ratification by the Board.

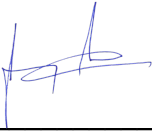
On May 2, 2017, the Board, via Resolution No. R-483-17, ratified the actions of the County Mayor's designee, as authorized under section 2-8.2.12 of the County Code, approving an Agreement with Jacobs to provide engineering design and related services for the improvement, upgrades, and expansion of regional and booster wastewater pump stations and related facilities. The total award was \$6,600,000.00 including a ten percent (10%) contingency allowance and a seven-year contract term. There currently remains \$4,051,613 in the agreement.

Due to the extended regulatory approval process under the Hazard Mitigation Program through which WASD is receiving funding for some of Jacobs' work on the Agreement, WASD was not able to utilize all of the money allocated for this Agreement with Jacobs during the initial seven-year term and has determined that the most efficient and cost-effective way to continue with the improvements, upgrades, and expansion of the regional and booster pump station is to extend the Agreement for an additional two-years without adding any additional funds to the Agreement. Accordingly, on February 20, 2024, the Amendment was executed by the County Mayor's designee for a two-year extension to the Agreement, which moved the expiration date from February 21, 2024, to February 21, 2026.

Small Business Enterprise (SBE) Measures:

This Agreement was assigned an SBE goal of four percent (4%) of SBE-Services (SBE-S) and a twenty percent (20%) goal of Architectural and Engineering Services. However, because this Amendment is for a two-year time extension only, and no additional funds are being allocated to the Contract, pursuant to Resolution No. R-525-17, the Consultant is not required to meet the 85 percent (85%) SBE goal requirement before this Amendment can proceed. A copy of the SBD review memo dated March 7, 2024 is attached hereto as Exhibit C.

A copy of the original Agreement is available upon request from the Department's Intergovernmental Affairs Division.



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	Original Contract Amount	Funding Source(s)	Operations and Maintenance Costs	Est. Start Date	Contract Measures				Brief Project Description
		Contract Type	Project No.				Change Order Time	Adjusted Contract Amount				SBE Goods & Services	SBE A/E	SBE Construction	CWP Program	
1	WASD	Request for Qualifications/Negotiations	Agreement No. 17JEG002 Project No. EIS-WASD-04	Engineering Services for the Improvement, Upgrades, and Expansion of Regional and Booster Wastewater Pump Stations and Related Facilities Necessary for WASD's Capital Improvement Projects	Jacobs Engineering Group Inc.	Various Districts	No Additional Monies / An Additional Two (2) Years	Original Contract Amount \$6,600,000	N/A	N/A	Agreement Effective Date 2/21/2017 Completion Date 2/21/2024 / No option-to-renew	4.00%	20.00%	N/A	N/A	This project includes engineering design and related services for the improvement, upgrade and expansion of regional and booster wastewater facilities necessary for WASD's Capital Improvement Projects. Amendment No. One is to extend the Agreement an additional two (2) years.

MDC004

**OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA**

EXHIBIT B

**AMENDMENT NUMBER ONE
TO
NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT FOR
ENGINEERING SERVICES FOR THE IMPROVEMENT, UPGRADES, AND EXPANSION OF
REGIONAL AND BOOSTER WASTEWATER PUMP STATIONS AND RELATED
FACILITIES NECESSARY FOR WASD'S CAPITAL IMPROVEMENT PROJECTS
BETWEEN MIAMI-DADE COUNTY
AND
JACOBS ENGINEERING GROUP INC.
AGREEMENT NO. 17JEGI002, PROJECT NO. E15-WASD-04**

This AMENDMENT NUMBER ONE is made and entered this 20th day of February 2024, by and between MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida, (hereinafter, referred to as the "COUNTY"), and JACOBS ENGINEERING GROUP INC., a Texas 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").

W I T N E S S E T H

WHEREAS, on May 2, 2017, the Board of County Commissioners (Board), via Resolution No. R-483-17, 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 Jacobs Engineering Group Inc. to provide Engineering Design and Expansion of Regional and Booster Wastewater Pump Stations and Related Facilities, Project No. E15-WASD-04, Agreement No. 17JEGI002 (the "Agreement"), with a total compensation amount of \$6,600,000, including a ten percent contingency allowance for a seven (7) year term with no Option to Renew (OTR); and

WHEREAS, the Department, as part of its capital program, has endeavored to obtain grants to fund portions of critical projects, with particular attention to those projects that qualify for resilience and climate hardening grants; and

WHEREAS, this Agreement is being utilized to design projects that will be funded by the Hazard Mitigation Grant Program, which requires an inherently lengthy process to obtain regulatory review and approval; and

WHEREAS the ENGINEER'S services under the Agreement were underutilized, and the Agreement has a remaining balance of \$4,051,613; and

WHEREAS, Amendment Number One will extend the Agreement an additional two (2) years from the expiration date of February 21, 2024 to February 21, 2026 and will not add any additional monies to the Agreement; and

WHEREAS, Amendment Number One to the Agreement is the most cost-effective approach to address the infrastructure needs related to the Design and Expansion of Regional and Booster Wastewater Pump Stations and Related Facilities.

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the County and Jacobs Engineering Group, Inc. 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 One 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: [Signature]
(Deputy Clerk Signature)

By: [Signature]
Daniella Levine Cava
County Mayor

Print Name: Anthony Lavadie - e302751

Date: 02/20/2024

WITNESSETH:

By: [Signature]
Signature

Justin Johnson

Print Name



JACOBS ENGINEERING GROUP INC.

By: [Signature]
Signature

Alberto M. Lazaro, P.E., Vice President
Print Name

STATE OF Florida
COUNTY OF Broward

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 16 day of February, 2024 by Alberto Lazaro as President, and [Signature], as Secretary, [Signature], a [Signature], on behalf of the company, who is personally known to me or has produced (type of identification) as identification.

[Notary Seal]

[Signature]
(Signature of person taking acknowledgment)



Stacey Lesser
(Name typed, printed or stamped)

Approved for Legal Sufficiency:

[Signature] 2/20/24
Assistant County Attorney

Amendment No. One
Agreement No. 17IEG1002

Page 2 of 2

MDC006

Date: March 7, 2024

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-04_0002, Engineering Services for Improvement, Upgrades, and Expansion Regional and Booster Wastewater Pump Stations and Related Facilities Necessary for WASD's Capital Improvement Projects between Miami-Dade County and Jacobs Engineering Group, Inc. Agreement No. 17EG102

Amendment Number One to Project No. E15-WASD-04_0002, (17EG102) 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 20% SBE - Architectural and Engineering (SBE-A/E) goal and a 4% SBE-Service (SBE-S) 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.

Pursuant to the amount paid reported in the Business Management Workforce System (BMWS), the prime, Jacobs Engineering Group (Jacobs) has been paid \$1,273,884 equal to 19.30% of the contract value. The SBE-AE subcontractors have been paid \$468,670 equal to 36.79% of the amount paid to the prime, and the SBE-S firm has not been utilized 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)(3)

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)(3)
4-16-24

RESOLUTION NO. R-324-24

RESOLUTION RATIFYING ACTION BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, SPECIFICALLY APPROVING THE EXECUTION OF AMENDMENT NUMBER ONE TO THE NON-EXCLUSIVE PROFESSIONAL SERVICES AGREEMENT FOR ENGINEERING SERVICES FOR THE IMPROVEMENT, UPGRADES, AND EXPANSION OF REGIONAL AND BOOSTER WASTEWATER PUMP STATIONS AND RELATED FACILITIES NECESSARY FOR WASD'S CAPITAL IMPROVEMENT PROJECTS, AGREEMENT NO. 17JEGI002, PROJECT NO. E15-WASD-04, BETWEEN MIAMI-DADE COUNTY AND JACOBS ENGINEERING GROUP INC., WHICH EXTENDS THE AGREEMENT FOR TWO ADDITIONAL YEARS; 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 action of the County Mayor or County Mayor's designee, as authorized by Section 2-8.2.12 of the Code of Miami-Dade County, specifically, execution of Amendment Number One to the Non-Exclusive Professional Services Agreement for Engineering Services for the Improvement, Upgrades, and Expansion of Regional and Booster Wastewater Pump Stations and Related Facilities Necessary for WASD's Capital Improvement Projects, Agreement No. 17JEGI002, Project No. E15-WASD-04, between Miami-Dade County and Jacobs Engineering Group Inc.

Amendment Number One, which is attached to the accompanying memorandum as Exhibit B, extends the Agreement for two additional years. The Board also authorizes the County Mayor or County Mayor's designee to exercise the provisions contained in the Amendment.

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 this 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