

Memorandum



Date: June 18, 2024

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

Agenda Item No. 8(N)(1)

From: Daniella Levine Cava
Mayor

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

Resolution No. R-544-24

Subject: Supplemental Agreement No. 1 with Atkins North America, Inc. Increasing the Use of People's Transportation Plan Bond Program 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 between the County and Atkins North America, Inc. for Professional Services Agreement for Construction, Engineering, and Inspection Services, *Contract No. IRP249-DTPW18-CEI, ISD Project No. E18-DTPW-10*, in the amount of \$6,695,000, bringing the total contract value to an amount not to exceed \$14,075,604. This recommendation for a supplemental agreement will provide additional Construction, Engineering and Inspection (CEI) services for contract administration and inspection necessary to support the Metromover comprehensive Wayside System Overhaul Project, avoiding gaps in monitoring the project. The construction contractor has not met performance expectations resulting in the need to establish a recovery schedule which will be monitored through the CEI services provided under this supplemental agreement.

Recommendation

This item, prepared by the Department of Transportation and Public Works (DTPW), recommends Board approval for Supplemental Agreement No. 1 to the Professional Services Agreement with Atkins North America, Inc., *Contract No. IRP249-DTPW18-CEI*, for a value of \$6,695,000 for continuing CEI services. With this modification, the maximum compensation under the PSA is \$14,075,604. This PSA facilitates contract administration and inspection services necessary to support the Metromover comprehensive Wayside System Overhaul Project, avoiding gaps in project monitoring. Typically, the complexity of the project requires CEI services between nine and 12% of the construction cost or approximately \$152,000,000. This supplemental agreement will bring the total CEI services contract capacity to approximately 9.26%.

Under the PSA, the consultant will continue to manage and inspect the work performed by the selected proposer's team to ensure compliance with the design-build criteria, contract requirements, construction and design standards, plans, specifications and DTPW requests. The consultant will assist DTPW during the design and construction phases of the project, performing duties such as design-build program logistics, contract and program management and oversight, planning, schedule development and monitoring, permitting, design review, qualification testing, manufacturing, acceptance testing of all systems, on-site and off-site inspections, engineering and technical recommendations, plans review and resident engineering, office engineering, quality control, and testing analyses.

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 Supplemental Agreement. If 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.

Scope

The scope of this item is countywide in nature as it promotes connectivity to the entire transit system. The project extends from 50 NE 15th Street to 50 SE 14th Street, which is located within Commission District 3, represented by Commissioner Keon Hardemon, and Commission District 5, represented by Commissioner Eileen Higgins.

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 No.1 in substantially the form attached hereto, for and on behalf of the County, and to exercise all provisions contained therein.

Fiscal Impact/Funding Source

The fiscal impact for the contract is \$6,695,000. There are no operation and maintenance costs as this is a PSA for CEI services. Funding for this project can be found in Volume 2 of the Fiscal Year 2023-24 Proposed Budget and Multi-Year Capital Plan, Capital Budget Project No. 673910 – Metromover – Improvement Projects, Site No. 3001385, with the funding sources outlined below.

Contract Award Funding Sources	Amount
People's Transportation Plan (PTP) Bond Program	\$595,000
Federal Transit Administration (FTA) Section 5307/5309 Formula Grant	\$6,100,000
Total Funding:	\$6,695,000

Track Record/Monitor

German A. Arenes-Oliva, P.E., Chief of Construction & Structural Inspection, Capital Programs Office, is responsible for the implementation and administration of this PSA.

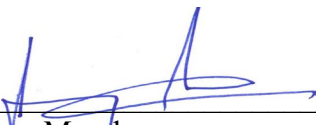
Background

The Automated People Mover (APM) System was designed and installed by Bombardier Transportation (formerly Westinghouse) and began passenger service in April 1986. The Metromover System began passenger services with nine stations configured in a 1.9-mile loop and operated a total fleet of 12 vehicles within the Miami Central Business District. In

May 1994, the Metromover extensions to the Omni and Brickell areas began service, which added an additional 2.5 miles of guideway, 12 stations and 17 vehicles. In 2008, the first 12

mover vehicles were replaced, followed by 17 new replacements in 2012. Today's Metromover System is comprised of 21 stations, 4.4 miles of dual lane guideway, 25 guideway switches, 29 vehicles and a Central Control Facility located at the Government Center. Throughout Metromover's 34-year history, the system has expanded and vehicle fleet has been replaced; however, many major subsystems that comprise the system have not been replaced or refurbished and have now reached the end of its design life. These subsystems include the Automatic Train Control System, Data Transmission System with Supervisory Control and Data Acquisition, several Power Distribution System elements (e.g., low voltage breakers, protective relays and ground switches), guideway switch equipment and Central Control Facility equipment.

To maintain good equipment reliability and an overall high Metromover System service availability, these major subsystems need to be replaced or refurbished. The project will include the design, supply and manufacture, installation, testing and commissioning of the APM System into a fully functional Metromover System. The Board approved the addition of the project to the PTP Five-Year Implementation Plan on March 6, 2018, following a favorable recommendation by the CITT. The Board approved this contract in the not-to-exceed amount of \$7,380,604 (inclusive of the 10% contingency allowance amount of \$670,964).



Jimmy Morales
Chief Operations Officer



MEMORANDUM

(Revised)

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

DATE: June 18, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(1)

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)(1)
6-18-24

RESOLUTION NO. R-544-24

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ATKINS NORTH AMERICA INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES, CONTRACT NO. IRP249-DTPW18-CEI, ISD PROJECT NO. E18-DTPW-10, TO INCREASE THE CONTRACT AMOUNT BY \$6,695,000.00 INCLUSIVE OF AN INCREASE IN THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS BY \$595,000.00, BRINGING THE TOTAL CONTRACT AMOUNT TO \$14,075,604.00 AND AUTHORIZING THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS TO SUPPORT THE METROMOVER COMPREHENSIVE WAYSIDE SYSTEM OVERHAUL PROJECT WHICH WAS ADDED TO THE FIVE-YEAR IMPLEMENTATION PLAN IN FISCAL YEAR 2017-2018; 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 to the Professional Services Agreement with Atkins North America, Inc. for Construction, Engineering, and Inspection Services, Contract No. IRP249-DTPW18-CEI, ISD Project No. E18-DTPW-10, to increase the contract amount by \$6,695,000.00 inclusive of an increase in the use of People's Transportation Plan Bond Program funds by \$595,000.00 to support the Metromover Comprehensive Wayside

System Overhaul Project which was added to the PTP Five-Year Implementation Plan in Fiscal Year 2017-2018, bringing the total contract amount to \$14,075,604.00; and authorizing the use of People's Transportation Plan Bond Program funds for such purposes.

Section 2. Authorizes the County Mayor or County Mayor's designee to execute Supplemental Agreement No. 1 in substantially the form attached hereto, for and on behalf of the County, and to exercise all provisions contained therein.

The foregoing resolution was offered by Commissioner **Anthony Rodriguez** , who moved its adoption. The motion was seconded by Commissioner **Eileen 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	absent	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 June, 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.

A handwritten signature in dark ink, appearing to read "B. Libhaber", is written over a horizontal line.

Bruce Libhaber

SUPPLEMENTAL AGREEMENT NO. 1 TO THE
PROFESSIONAL SERVICES AGREEMENT FOR
CONSTRUCTION, ENGINEERING, AND
INSPECTION SERVICES. CONTRACT NO.
IRP249-DTPW18-CEI, ISD PROJECT NO. E18-
DTPW-10, BETWEEN MIAMI-DADE COUNTY,
FLORIDA, AND ATKINS NORTH AMERICA,
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 Atkins North America, Inc., hereinafter referred to as the “CONSULTANT”.

W I T N E S S E T H

WHEREAS, Miami-Dade County (COUNTY) on April 15, 2201, entered into a Professional
Services Agreement with CONSULTANT, to provide Construction Engineering and Inspection Services
for Department of Transportation and Public Works. Contract No. IRP249-DTPW18-CEI, ISD Project No.
E18-DTPW-10; 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 IV - COMPENSATION

Refer to Section IV, Paragraph F Maximum Compensation, and amend as follows:

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
\$14,075,604.00 (inclusive of base and contingency allowance account).

*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:

JUAN FERNANDEZ-BARQUIN,
CLERK

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:

ATKINS NORTH AMERICA, INC.
(Corporate Seal)

By: C. Ernest Edgar, IV

C. Ernest Edgar, IV

By: [Signature]





Memorandum



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

From: Javier A. Betancourt, Executive Director 

Date: May 30, 2024

Re: **CITT AGENDA ITEM 7B:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS AUTHORIZE THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SUPPLEMENTAL AGREEMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH ATKINS NORTH AMERICA INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES, CONTRACT NO. IRP249-DTPW18-CEI, ISD PROJECT NO. E18-DTPW-10, TO INCREASE THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS BY **\$595,000.00**, BRINGING THE TOTAL CONTRACT AMOUNT TO \$14,075,604.00; AUTHORIZE THE USE OF PEOPLE'S TRANSPORTATION PLAN BOND PROGRAM FUNDS TO SUPPORT THE METROMOVER COMPREHENSIVE WAYSIDE SYSTEM OVERHAUL PROJECT WHICH WAS ADDED TO THE FIVE-YEAR IMPLEMENTATION PLAN IN FISCAL YEAR 2017-2018; AND AUTHORIZE THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN (**DTPW – BCC LEGISLATIVE FILE NO. 240739**)

On May 29, 2024, the CITT voted (9-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 24-012. The vote was as follows:

Robert Wolfarth, Chairperson – Aye
Mary Street, Esq., 1st Vice-Chairperson – Aye
Hon. Peggy Bell, 2nd Vice-Chairperson – Aye

Joseph Curbelo – Aye
Meg Daly – Absent
Kenneth Kilpatrick – Aye
Miguel Murphy – Aye
Paul J. Schwiep, Esq. – Absent

Omar K. Bradford, Esq. – Aye
Qjuezari Harvey – Absent
David Marin – Aye
Robert Ruano – Aye

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