

Date: July 16, 2024

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

From: Daniella Levine Cava
Mayor



Agenda Item No. 8(F)(7)

Resolution No. R-662-24

Subject: Resolution Authorizing Amendment No. 1 to the Professional Services Agreement between Miami-Dade County and AECOM Technical Services, Inc. for Owner Representative Services for the new Civil and Probate Courthouse, Contract No. A19-ISD-02 GOB ESP

Executive Summary

This item recommends that the Board of County Commissioners (Board) authorize Amendment No. 1 to the Professional Services Agreement (PSA) between Miami-Dade County (County) and AECOM Technical Services, Inc. (AECOM) for continuing to provide architectural and engineering construction management services, acting as the Owner's Representative and Design Criteria Professional as required by F.S. 287.055 on behalf of the County, during the design and construction of the civil and probate courthouse project (Courthouse Project). This amendment increases the value of the PSA by \$1,473,547 from \$4,200,000 to \$5,673,547 and aligns the term of this PSA with revised estimated duration for the construction of the Courthouse Project and enhances the project management team by adding additional Owner's Representative oversight during the installation and commissioning of furniture, fixtures and equipment.

Recommendation

It is recommended that the Board approve Amendment No. 1 to the PSA between the County and AECOM for continuing to provide architectural and engineering construction management services during the design and construction of the Courthouse Project. This amendment is attached to this item's resolution as Exhibit 'A' and increases the value of the PSA by \$1,473,547 from \$4,200,000 to \$5,673,547 and aligns the term of this PSA with the estimated duration for the construction of the Project. More specifically, this amendment does the following:

- Approves an increase of \$213,540 as an allowance for providing Design Criteria Architect Summary Evaluation Reports.
- Approves an increase of \$578,664 for additional project management to oversee the Developer (Plenary Justice Miami, LLC) and Design-Builder's (Tutor Perini Corporation) field installation of furniture, fixture, and equipment contracts and manage design and construction administration of County furnished equipment.
- Approves an increase of \$565,115 for construction administrative services required as a result of the Developer and design builder delays on the Courthouse Project, and extends the PSA duration term until July 31, 2025, to provide warranty administration services as needed.
- Approves an increase of \$45,920 as an allowance for additional services related to dispute resolution support services.
- Approves an increase of \$70,308 as an allowance for additional services required to provide building commissioning oversight.

Background

On October 20, 2020, the Board approved Resolution No. R-1117-20 awarding Contract No. A19-ISD-02 to AECOM for owner representative services to be performed during the construction of the Courthouse Project. The Courthouse Project is a social infrastructure Public Private Partnership (P3) contract. The Project Agreement (Resolution No. R-1343-19/Contract No. RFP-00953) provides for the design, build, finance, operation, and maintenance (DBFOM) of a new 25-story high, 640,000 square foot civil and probate courthouse to be occupied by the Administrative Office of the Courts (AOC) for the Eleventh Judicial Circuit, the Miami-Dade Clerk of the Court & Comptroller (COCC), the Law Library, the State Attorney's Office (SAO), and the Miami-Dade Police Department (MDPD).

During the development of the Courthouse Project, the need for additional construction management requirements not previously identified have arisen. These additional requirements are as follows:

- On May 9, 2022, AECOM was requested and agreed to assume the responsibilities as the Design Criteria Architect from the previous Design Criteria Architect. This was processed through Work Order No. 2 attached to this item's resolution as Exhibit 'B.'
- In accordance with the Project Agreement with the Developer for the Courthouse Project, the Developer is responsible for the procurement and installation of moveable furniture, fixture, and equipment, for which the County will directly make payment. As a result, the County has retained AECOM to oversee the Developer and design builder in their management of the individual vendors in order to provide overall quality assurance services and review payment requisitions.
- As a result of the County's retention of the responsibility for the purchase and installation of certain information technology systems and equipment (County-furnished equipment), the County is in need of additional support services, not previously budgeted for, to manage the vendor. AECOM has been requested to provide the design review and construction management services for this contract.
- AECOM has been requested to provide commissioning oversight services during the completion phase of the project. This is an additional service to ensure the quality of the mechanical and electrical systems.
- During development of the Courthouse Project, certain disagreements between the Developer and the County have arisen related to Developer claims for time extensions and additional compensation. The County and the Developer have been unable to reach agreement to resolve these matters and Developer and design-builder initiated the alternative dispute resolution process under the Project Agreement to have a hearing examiner resolve the disputes. The County has made counterclaims against Developer and has requested AECOM to provide additional support services during this endeavor related to damages evaluation and cost estimating.
- At this time, the Developer has submitted notices and schedule updates to the County indicating that it estimates the Courthouse Project will be substantially completed on March 11, 2025, or over 1 year after the date set forth in the Project Agreement. AECOM has been requested to extend the duration of their contract to account for these delays. This will extend AECOM's contract completion date from October 20, 2024, through July 31, 2025.

Scope

The Courthouse Project is located in Commission District 5, which is represented by Commissioner Eileen Higgins. However, the scope of this item is countywide in nature.

Fiscal Impact/Funding Source

The fiscal impact for this item is \$1,473,547 consisting of additional Owner Representative services by AECOM. This will be funded by the Building Better Communities General Obligation Bond (BBC-GOB) Program 305200, Additional Courtrooms and Administration Facilities, project 3002859, Owner's Rep Contract.

This amendment will not increase the Courthouse Project's capital program overall BBC-GOB budgeted amount of \$76,221,000 as shown in the FY 2023-2024 Adopted Budget and Multi-Year Capital Plan.

Track Record/Monitor

Francisco 'Frank' Suarez, Manager, Architecture and Engineering Services Section in the Internal Services Department, is managing the Courthouse Project on behalf of the Administrative Office of the Courts. The Courthouse Project was developed in collaboration with the Chief Judge of the Eleventh Judicial Circuit, the Clerk of the Court and Comptroller, and other key stakeholders.

Delegated Authority

The authority of the County Mayor or the County Mayor's designee to execute and implement this Amendment No. 1 to the PSA is consistent with those authorities granted under the County Code. Approval of this amendment will not result in any new or additional delegations of authority.

Applicable Ordinances and Contract Measures

- Small Business Enterprise Assigned Measures: SBE-Architectural/Engineering Sub-Consultant – 10%.
- Responsible Wages (Resolution R-54-10): Not Applicable.



Carladenise Edwards
Chief Administrative Officer



MEMORANDUM

(Revised)

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

DATE: July 16, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(F)(7)

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(F)(7)
7-16-24

RESOLUTION NO. R-662-24

RESOLUTION APPROVING AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES AGREEMENT (“PSA”) BETWEEN MIAMI-DADE COUNTY AND AECOM TECHNICAL SERVICES, INC. (“AECOM”), CONTRACT NO. A19-ISD-02 GOB ESP, FOR ARCHITECTURAL AND ENGINEERING CONSTRUCTION MANAGEMENT SERVICES AS THE OWNER’S REPRESENTATIVE AND DESIGN CRITERIA PROFESSIONAL ON BEHALF OF MIAMI-DADE COUNTY FOR THE DESIGN AND CONSTRUCTION OF THE CIVIL AND PROBATE COURTHOUSE PROJECT; PROVIDING FOR AN INCREASE OF \$1,473,547.00 TO BE FUNDED FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDS AND EXTENDING THE AGREEMENT FROM NOVEMBER 1, 2024 TO JULY 31, 2025 AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE AMENDMENT NO. 1 TO THE PSA AND ENFORCE ALL PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying County Mayor’s 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 approves Amendment No. 1 to the Professional Services Agreement (“PSA”) between Miami-Dade County and AECOM Technical Services Inc., Contract No. A19-ISD-02 GOB ESP, for architectural and engineering construction management services as the Owner’s Representative and design criteria professional on behalf of Miami-Dade County for the design and construction of the Civil and Probate Courthouse project, in substantially the form attached to this resolution as Exhibit A and made a part hereof, to increase the PSA by \$1,473,547.00 to be funded from Building Better Communities General Obligation Bond Program funds, and extends the duration of the PSA from November 1, 2024 to July 31, 2025. This Board further authorizes the County Mayor or County Mayor’s designee to execute the Amendment No. 1 to the PSA for and on behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner **Anthony Rodriguez**, 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	absent
Kevin Marino Cabrera	absent	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 16th day of July, 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.

MRP

Monica Rizo Perez

EXHIBIT A

**AMENDMENT NUMBER ONE
TO
PROFESSIONAL SERVICES AGREEMENT
FOR
OWNER'S REPRESENTATIVE SERVICES FOR CIVIL AND PROBATE COURTHOUSE
BETWEEN MIAMI-DADE COUNTY AND AECOM TECHNICAL SERVICES, INC.
ISD CONTRACT NO. A19-ISD-02**

THIS AMENDMENT NUMBER ONE is made and entered into this _____ day of _____, 2024 ("Effective Date"), by and between MIAMI-DADE COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as the "COUNTY") and AECOM TECHNICAL SERVICES, INC., a Florida corporation authorized to do business in the State of Florida with offices in Miami-Dade County (hereinafter, the "OWNER'S REPRESENTATIVE", and collectively with the COUNTY, the "Parties").

WITNESSETH

WHEREAS, on October 20, 2020, the Board of County Commissioners (Board), via Resolution No. R-1117-20, 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 Professional Services Agreement with AECOM Technical Services, Inc. to provide Architectural and Engineering Construction Management Services to act as the Owner's Representative on behalf of the County during the design and construction of the new Civil and Probate Courthouse (the "Project"), ISD Project No. Z000205 Contract No. A19-ISD-02 (the "Agreement"), with a total compensation amount of \$4,200,000, including a 5 percent (5%) contingency allowance for a four (4) year term with two (2) one year options to renew; and

WHEREAS, due to ongoing project construction delays and project construction disagreements an increase in the time for completion of construction is estimated at over one year and the OWNER'S REPRESENTATIVE services under the current Agreement will expire on October 19, 2024, before the project is completed and closed out; and

WHEREAS, Amendment Number One will extend the Agreement by 240 calendar days until July 31, 2025 from the current expiration date of October 19, 2024; and

WHEREAS, Amendment Number One will add \$1,473,547 in order to align the terms of the Agreement with the estimated completion date of the Project, the estimated time for close-out of the project and with other certain additional scopes added to the project including, but not limited to:

- 1) An increase of \$213,540 as an allowance for providing Design Criteria Architect Summary Evaluation Reports in accordance with Work Order No. 2 (EXHIBIT B)
- 2) An increase of \$578,664 to add a Project Manager to oversee the Developer and Design Builder's field installation of Furniture, Fixture, and Equipment contracts and manage design and construction administration of County Furnished Equipment.
- 3) An increase of \$565,115 for construction administrative services required as a result of Developer and Design-Builder delays on the Project, and extends the PSA duration term until July 31, 2025, to provide warranty administration services, as needed.
- 4) An increase of \$45,920 as an allowance for additional services related to dispute resolution support services.
- 5) An increase of \$70,308 as an allowance for additional services required to provide Building Commissioning oversight; and

WHEREAS, the above additional funds will increase the total Agreement amount to \$5,673,547; and

WHEREAS, Amendment Number One to the Agreement is the most cost-effective approach for continuing Owner's Representative services and it is in the best interest of Miami Dade County to maintain

continuity of services on the Project, as they have extensive knowledge of the Project at this time,

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the COUNTY and AECOM Technical Services, Inc. hereby agree to the following:

1. The Parties agree that the County will extend the Agreement for an additional 240 calendar days, until July 31, 2025, increase the existing contract amount of \$4,200,000 by \$1,473,547 to a grand total of \$5,673,547, 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: _____
(Deputy Clerk Signature)

By: _____
Daniella Levine Cava
County Mayor

Print Name: _____

Date: _____

WITNESSETH:

AECOM TECHNICAL SERVICES, INC.
(CORPORATE SEAL)

By: _____, Secretary
Signature

By: _____
Signature

Print name

Pedro L. Capestany, Vice President

Print Name

Date: _____

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me by means of ____ physical presence or ____ online notarization, this ____ day of _____, 2024 by _____ as _____ (title) _____, 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 acknowledgement)

(Name typed, printed, or stamped)

Approved for Legal Sufficiency

Assistant County Attorney

EXHIBIT B

Miami-Dade County Internal Services Department WORK ORDER FOR CONSULTING SERVICES

To: AECOM Technical Services, Inc.
2 Alhambra Plaza, Suite 900
Coral Gables, FL 33134

Date: May 9, 2022

For: OWNER'S REPRESENTATIVE SERVICES FOR
CIVIL AND PROBATE COURTHOUSE
ISD Project No.: Z000205
ISD Contract No.: A19-ISD-02

Work Order No.: 2
Additional Services

AUTHORIZATION: In accordance with the terms and conditions of the above referenced Professional Services Agreement (PSA) established through Resolution No. R-1117-20, you are hereby authorized to proceed with the following services pending a work authorization release form to be issued by the County. AECOM Technical Services, Inc. (Consultant) shall not proceed with any work until a work authorization release form is issued and approved.

SCOPE OF PROFESSIONAL SERVICES: Let this serve as an amendment to Work Order No. 1. The purpose of this amendment is to delegate AECOM as the Design Criteria Professional. The services provided by the Design Criteria Professional are limited to those already identified in Work Order No. 1.

This scope of this work order excludes design services, architect of record services and engineer of record services.

The Design Criteria Professional services will be provided on an "as-needed" basis upon the request of the County. The services will be provided at the hourly rates established in AECOM's ISD Contract No: A19-ISD-02 dated October 28, 2020. The above consulting services shall be provided for an amount not to exceed the limits of the existing authorization and are to be disbursed by the County as deemed appropriate for each approved Work Authorization period. AECOM will notify the County, on a timely basis, if additional funding is required. It is understood that any unspent portions of the contract amount are to remain with the County.

Work Order No. 1 shall remain in full force and effect.

Prepared by: Francisco Suarez, R.A.
Project Manager

Attachments: None.

Approvals:

Consultant

5/11/2022

Juan Alfonso, Vice-Pres.
Consultant

Date

5/9/2022

Kevin Montero R.A. LEED AP
ISD/FIMD Acting Division Director

Date

Francisco Suarez, R.A. LEED AP
ISD Project Manager

5/9/2022

Date