

**FIRST AMENDMENT TO WORK ORDER NO. 09 BETWEEN
THE CITY OF DORAL, FLORIDA
AND
BCC ENGINEERING, INC.**

This First Amendment to BCC Engineering, Inc. Work Order No. 09 made and entered into this 12 day of **June, 2020**, by and between the City of Doral, Florida, a municipal corporation of the State of Florida ("City") and BCC Engineering, Inc. ("Consultant") having its place of business at 6401 SW 87th Avenue, Miami, FL, 33143, for the provision of to provide Construction Engineering & Inspection (CEI) services for the construction of a new traffic signals along NW 74 Street at NW 97 Avenue and NW 102 Avenue.

WHEREAS, the City of Doral is presently engaged in the construction of new Traffic Signals at the intersections of NW 97th and 102nd Avenue on NW 74th Street; and

WHEREAS, the awarded Construction Engineering Inspection (CEI) firm's budget was exhausted prior to project completion as a result of revised NTP due to permitting and material delays; and

WHEREAS, the City of Doral is presently contracted with BCC Engineering, Inc. to provide Construction Engineering Inspection (CEI) services throughout the duration of the construction schedule; and

WHEREAS, due to the extended construction completion date additional hours are required to ensure that CEI services will be conducted up to project closeout; and

WHEREAS, the original cost for the CEI Services approved by the Work Order was a not to exceed amount of \$95,264.80; and

WHEREAS, the cost for the provision of CEI services was increased to a not exceed amount of \$123,307.30 for the additional hours required to provide coverage up to project closeout, with the cost of the amended work to be a not to exceed amount of \$28,042.50; and

NOW THEREFORE, in consideration of the mutual covenants set forth in this First Amendment, the parties agree as follows:

Section 1. Recitals. The above recitals are true and correct and incorporated herein.

Section 2. Amendments. The following Sections of the Work Order are hereby amended to read as follows:


"SCOPE OF SERVICES AND SCHEDULE:

...The performance of services associated with this Work Order will be executed on a time and material basis with a not to exceed amount of ~~\$95,264.80~~\$123,307.30."

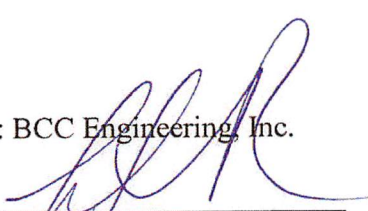
EXCEPT AS PROVIDED HEREIN, all other terms and conditions of the Contract dated February 5, 2018, remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterpart be deemed an original.

WITNESSES:


Typed Name: JOAQUIN R BARNES


CONSULTANT: BCC Engineering, Inc.

By: 
Name: LUIS A. RODRIGUEZ
Title: VICE - PRESIDENT


ATTEST:


Connie Diaz, City Clerk

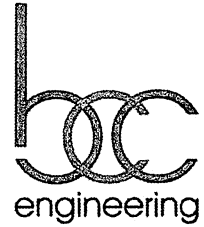
CITY OF DORAL

By: 
Albert P. Childress, City Manager

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE SOLE USE OF THE CITY OF DORAL:

By: 
Name: Luis Figueredo, ESQ.
Title: City Attorney

May 14, 2020



Mr. Julio Amoedo, MPA, GC, CUC

City of Doral
8401 NW 53rd Terrace
Doral, FL 33166

Reference: **Proposal for additional funds to continue Post Design and CEI services for NW 74th Street new Traffic Signals at NW 102nd Avenue and NW 97th Avenue.**

Dear Mr. Amoedo,

We are pleased to present this proposal to continue providing Post Design and CEI services for the NW 74th Street new Traffic Signals project at NW 102nd Avenue and NW 97th Avenue up to construction completion. Estimated construction completion date – August 31st, 2020.

Task 1 – Post Design Services

During the remaining construction time of this project BCC Engineering will accomplish the scope of services outlined below.

- Meetings: BCC will attend up to six (6) progress meetings
- Field Reviews: BCC will attend up to four (4) field reviews to address any questions and/or issues during construction
- Request for Information Resolution (RFI): BCC will address up to six (6) RFI.
- Plan Revisions: BCC will provide up to four (4) plan revisions as a result of any required changes.
- Change Orders: BCC will address up to six (6) change orders
- Payment Applications: BCC will address up to four (4) payment applications

BCC Engineering will also provide management of this Task Work Order.

Please refer to Exhibit “A”, consultant Fee Proposal for a detail cost break down

Task 2 – CEI Services

Continuation for providing one full time construction inspector through construction completion.

Please refer to Exhibit "A", consultant Fee Proposal for a detail cost break down.

SCHEDULE

We will provide the above-described services outlined in an expeditious and orderly manner to meet the schedule mutually agreed to by the Client and BCC Engineering for the various elements of the project.

BASIC SERVICES FEE

We propose to provide the described Basic Services for a Limiting Amount Fee (Time & Materials basis) of \$52,789.00 Dollars.

ADDITIONAL SERVICES

Services beyond those outlined under Basic Services, including increase in the scope of the Project, revisions to the work, site structures, additional site visits, inspections, construction errors, etc. will be provided for an additional negotiated Lump Sum Fee. BCC Engineering will provide Additional Services after receipt of written authorization by Client.

PAYMENTS

Billings will be monthly based on the actual effort in performance of these services, based on the contract rates as follows:

Task 1: Post Design Services	\$ 16,533.00
Task 2: CEI Services	\$ 36,256.00
Total:	\$ 52,789.00

Payment is due within 30 days of receipt of payment from client. Late payments beyond 30 days will be charged interest at the rate of one and one half percent per month on the unpaid balance. We further reserve the right to stop work and withhold documents if payment is not received. Refer to Exhibit B "General Provisions".

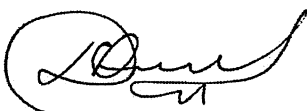
If the services covered by this Agreement cannot be completed by BCC Engineering, for reasons beyond our control, the amounts of compensation set forth in this Agreement shall be equitably adjusted. If this proposal is not accepted within 90 days, it shall become void.

We hope this Proposal meets your expectations. If this Proposal is acceptable to you please issue a purchase order for the attached amount.

We look forward continuing working with you on this Project.

Sincerely,

BCC ENGINEERING, INC.



Dacha Quintana, P.E.
Project Manager

Exhibit "A"

BCC Engineering, Inc. Fee Proposal

RESOLUTION No. 20-143

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE THE FIRST AMENDMENT TO WORK ORDER No. 9 WITH BCC ENGINEERING, INC. TO INCREASE THE AVAILABLE FUNDS FOR PROFESSIONAL SERVICES TO COVER THE COST OF ADDITIONAL CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES AND PROJECT CLOSURE FOR THE NEW TRAFFIC SIGNALS ALONG NW 74 STREET AT NW 97 AVENUE AND AT NW 102 AVENUE IN AN AMOUNT NOT TO EXCEED \$28,042.50; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, via Resolution 19-147, the design of the New Traffic Signals along NW 74th Street at NW 97th Avenue and at NW 102nd Avenue was awarded to BCC Engineering, Inc. (BCC); and

WHEREAS, the improvements include the construction of traffic signals and roadway improvements along NW 74th Street at NW 97th Avenue and at NW 102nd Avenue to include new traffic signals, sidewalks, curb and gutter, and other roadway improvements.; and

WHEREAS, on June 12, 2019 the City executed Work Order No. 9 (as part of RFQ 2017-21, Pool of Pre-Qualified Engineering and Architecture Firms) for BCC to provide Construction Engineering & Inspection (CEI) and Post Design services for the construction of traffic signals and roadway improvements along NW 74th Street at NW 97th Avenue and at NW 102nd Avenue in a not to exceed amount of \$95,264.80, as approved by Resolution No. 19-147; and

WHEREAS, BCC's proposal considered services for the anticipated 6-month project duration; and

WHEREAS, the construction phase of the Project was advertised on April 23, 2019 and awarded for construction to Continental Construction, Inc. via Resolution No. 19-145, in a not to exceed amount of \$937,591.05 (which included a 10% contingency for any unforeseen conditions); and

WHEREAS, the “Original” construction Notice to Proceed was issued on October 14, 2019 and considered a Project Contract duration of 180 calendar days which set an “Original” completion date of April 11, 2020; and

WHEREAS, the Notice to Proceed (NTP) date was amended on February 28, 2020 as a result of Miami-Dade County’s Construction / MOT permit delays; and

WHEREAS, a revised NTP was issued for March 9, 2020 which set a new completion date of September 5, 2020; a 180 calendar day project duration period; and

WHEREAS, funding was expended during the original NTP date of October 14, 2019 thru the new revised NTP date of March 9, 2020, as a result of the Project’s pre-commencement coordination with utilities and to address all the comments, changes, and requests provided by Miami-Dade County during their Construction / MOT Permit phase.

WHEREAS, the additional unforeseen efforts depleted a portion of the available CEI funding as the hours considered had to be used for “Engineering” purposes; and

WHEREAS, in an interim basis, as a result of PWD diminished workload (COVID-19 related), the PWD inspectors have performed random inspections to

compensate suspension of service issued to BCC; compensating for its depleted funds;
and

WHEREAS, currently, BCC has funding available for close-out documentation and certification of project only; and

WHEREAS, currently, the PWD's workload has increased; exposing this project to proper oversight; and

WHEREAS, in order to resume the day-to-day inspections of construction, ensuring that the improvements are constructed consistent with the approved plans and allow for a proper closeout of the project, the PWD requested a proposal from BCC to extend the CEI services until the completion of the project.; and

WHEREAS, PWD staff and BCC negotiated the attached supplemental proposal on a time and material basis with a not to exceed amount of \$28,042.50; and

WHEREAS, City staff respectfully requests that the City Council approve the Amendment to Work Order No. 9 for BCC Engineering, Inc, a copy of which is attached hereto as Exhibit "A", for additional hours of CEI services and professional services for the New Traffic Signals Along NW 74th Street at NW 97th Avenue and at NW 102nd Avenue; and

WHEREAS, funding for this request is available in the Public Works Department Fiscal Year 2019-20 Transportation Fund, Account Num. 101.80005.500650.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL AS FOLLOWS:

Section 1. Recitals. The above recitals are confirmed, adopted, and incorporated herein and made part hereof by this reference.

Section 2. Approval. The Amendment to Work Order No. 9 between the City of Doral and BCC Engineering, Inc. for the additional hours of CEI and professional services for the New Traffic Signals Along NW 74th Street at NW 97th Avenue and at NW 102nd Avenue, in an amount not to exceed \$28,042.50 for a revised total not to exceed amount of \$123,307.30, a copy which is attached hereto as Exhibit "A", is hereby approved.

Section 3. Authorization. The City Manager is authorized to execute the work order amendment and expend budgeted funds on the behalf of the City.

Section 4. Implementation. The City Manager and the City Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and the provisions of this Resolution.

Section 5. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Mariaca who moved its adoption. The motion was seconded by Councilmember Cabral and upon being put to a vote, the vote was as follows:

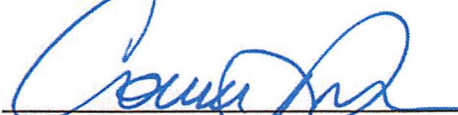
Mayor Juan Carlos Bermudez	Yes
Vice Mayor Christi Fraga	Yes
Councilwoman Digna Cabral	Yes
Councilman Pete Cabrera	Yes
Councilwoman Claudia Mariaca	Yes

PASSED AND ADOPTED this 22 day of July, 2020.




JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, MMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY