

To: The Honorable Mayor and Council Members

From: Alberto Destrade, Purchasing Director 

Date: April 26, 2016

RE: **A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE A FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT, BETWEEN THE CITY OF NORTH MIAMI AND E SCIENCES, INCORPORATED, TO PROVIDE ADDITIONAL ENVIRONMENTAL ENGINEERING AND CONSULTING SERVICES IN CONNECTION WITH THE FORMER RUCK'S PARK/PIONEER GARDENS TO ADDRESS THE MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES SITE ASSESSMENT REPORT ADDENDUM, FOR A TERM OF TWO (2) MONTHS AT A COST NOT TO EXCEED FIFTY SIX THOUSAND DOLLARS (\$56,000.00), IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS CONTAINED IN THE REQUEST FOR QUALIFICATIONS NO. 12-14-15, CONTINUING ARCHITECTURAL AND ENGINEERING SERVICES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

RECOMMENDATION

Staff is requesting that Mayor and City Council authorize the approval of an amendment to the Professional Services Agreement (Agreement) with E Sciences, Inc. (E Sciences), to provide environmental engineering and consulting services for site assessment and related activities at the former Ruck's Park/Pioneer Gardens site, located at 13760-13780 NE 5th Avenue, and to further authorize the City Manager and City Attorney to negotiate and finalize terms and conditions of this amendment for a not-to-exceed amount of \$56,000, to be completed by no later than two (2) months from notice to proceed.

BACKGROUND

On March 24, 2015, the City issued Request for Qualifications (RFQ) 12-14-15 "Continuing Architectural and Engineering Services" (Solicitation) for the purpose of retaining experienced, licensed, and insured architectural and engineering firms to provide on a continuing, as-needed when-needed contract basis, the following specific professional services: Landscape Architecture/Interior Design, Roadway, Traffic & Transportation Engineering and Consulting, Water/Waste Water Engineering, Water Resources/Stormwater Design, Urban Planning & Design, and Environmental Engineering.

In response to this Solicitation, E Sciences submitted its qualifications for the provision of

Environmental Engineering services and was subsequently selected and approved to be included on the list of pre-qualified firms by City Council on June 9, 2015 (see attached Resolution No. 2015-R-52).

On November 22, 2015, the City entered into an agreement with E Sciences to provide site assessment services and to submit a report of their findings, as required by the Department of Regulatory and Economic Resources (DERM), for the former Ruck's Park/Pioneer Gardens site. However, DERM is now requesting that the City provide them with additional assessment to evaluate the soil and groundwater impacts at this site and therefore staff will need for E Sciences to perform additional services to be incorporated by this amendment (see attached DERM document).

Staff anticipates that the total cost of the additional work currently requested by DERM shall not exceed \$56,000 and the time needed to complete the site assessment report should be no more than two (2) months. The actual fee schedule for E Sciences to perform these additional services shall be finalized by staff and submitted for approval to the City Manager.

FUNDING SOURCE

Funding for this work will be allocated from the Parks and Recreation Department's G.O.B. Account.

ATTACHMENTS

Resolution

Resolution No. 2015-R-52

Agreement between the City and E Sciences (dated November 22, 2015)

DERM Request for Additional Site Assessment and Related Services

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO APPROVE A FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF NORTH MIAMI AND E SCIENCES, INCORPORATED, TO PROVIDE ADDITIONAL ENVIRONMENTAL ENGINEERING AND CONSULTING SERVICES IN CONNECTION WITH THE FORMER RUCK'S PARK/PIONEER GARDENS TO ADDRESS THE MIAMI-DADE COUNTY DEPARTMENT OF REGULATORY AND ECONOMIC RESOURCES SITE ASSESSMENT REPORT ADDENDUM, FOR A TERM OF TWO (2) MONTHS AT A COST NOT TO EXCEED FIFTY-SIX THOUSAND DOLLARS (\$56,000.00), IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS CONTAINED IN THE REQUEST FOR QUALIFICATIONS #12-14-15, CONTINUING ARCHITECTURAL AND ENGINEERING SERVICES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, on March 24, 2015, the City issued *Request for Qualifications #12-14-15, Continuing Architectural and Engineering Services* (“RFQ”), for the purpose of retaining experienced, licensed, and insured architectural and engineering firms to provide on a continuing, as-needed when-needed contract basis, the following specific professional services: Landscape Architecture/Interior Design, Roadway, Traffic & Transportation Engineering and Consulting, Water/Waste Water Engineering, Water Resources/Stormwater Design, Urban Planning & Design, and Environmental Engineering; and

WHEREAS, the RFQ was undertaken in accordance with Florida’s Consultants’ Competitive Negotiation Act, under Section 287.055, Florida Statutes (2015); and

WHEREAS, in response to the RFQ, E Sciences, Incorporated (“Consultant”), submitted its sealed qualifications for the provision of Environmental Engineering Consulting Services (“Services”), and was subsequently selected by City administration as having those qualifications and references most advantageous to the City; and

WHEREAS, on June 9, 2015, the Mayor and City Council passed and adopted Resolution No. 2015-R-52, approving the selection of Consultant for the rendition of Services on a continuing, as-needed when-needed basis; and

WHEREAS, on November 22, 2015, the City and Consultant entered into an agreement for Services to address the Site Assessment Addendum from Miami-Dade County, Environmental Resources Management (hereinafter referred to as “DERM”), dated December 18, 2015, relating to the former Ruck’s Park/Pioneer Gardens site at 13760-13780 NE 5th Avenue (“Property”); and

WHEREAS, as part of the ongoing remediation effort, the City received a Site Assessment Report Addendum from DERM dated March 10, 2016, requesting additional Services conducted on the Property including, among other things, additional sampling for ammonia, arsenic, fecal coliform, onsite and offsite soil sampling, and groundwater monitoring (collectively referred to herein as “Additional Services”); and

WHEREAS, the City needs the provision of Additional Services to timely and accurately respond to DERM requirements, as we continue to remediate the Property for a purposeful use; and

WHEREAS, the City administration respectfully requests that the Mayor and City Council authorize the City Manager to approve a First Amendment to Professional Services Agreement, in order to satisfy DERM requirements.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Authority of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to approve a First Amendment to Professional Services Agreement, between the City of North Miami and E Sciences, Incorporated, to provide Environmental Engineering and Consulting Services in connection with the former Ruck’s Park/Pioneer Gardens to address the Miami-Dade County Department of Regulatory and Economic Resources Site Assessment Report Addendum, for a term of two (2) months at a cost not to exceed Fifty-Six Thousand Dollars (\$56,000.00), in accordance with the terms, conditions and specifications contained in the *Request for Qualifications #12-14-15, Continuing Architectural and Engineering Services*.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this ___ day of _____, 2016.

DR. SMITH JOSEPH
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

JEFF P. H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Alix Desulme
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilman Philippe Bien-Aime

_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)
_____ (Yes) _____ (No)

RESOLUTION NO. 2015-R-52

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE SELECTION OF PROFESSIONAL CONTRACTORS FOR THE PROVISION OF ARCHITECTURAL AND ENGINEERING SERVICES ON A CONTINUING CONTRACT BASIS WITH THE CITY OF NORTH MIAMI, PURSUANT TO REQUEST FOR QUALIFICATIONS NO. 12-14-15 CONTINUING ARCHITECTURAL AND ENGINEERING SERVICES; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the City of North Miami (“City”) desires to have a pool of professional firms ready to serve as contractors to provide the City with Architectural and Engineering related services on a continuing contract basis; and

WHEREAS, on March 24, 2015, the City issued *Request for Qualifications # 12-14-15, Continuing Architectural and Engineering Services* (“RFQ”), for the purpose of retaining experienced, licensed, and insured architectural and engineering firms to provide on a continuing, as-needed when-needed contract basis, the following specific professional services: Landscape Architecture/Interior Design, Roadway, Traffic & Transportation Engineering and Consulting, Water/Waste Water Engineering, Water Resources/Stormwater Design, Urban Planning & Design, and Environmental Engineering (collectively referred to herein as “Services”); and

WHEREAS, the RFQ was undertaken in accordance with Florida’s Consultants’ Competitive Negotiation Act, under Section 287.055, Florida Statutes (2014); and

WHEREAS, in response to the RFQ, the City administration received many qualifications which were evaluated for the most qualified firms to provide the Services; and

WHEREAS, the City administration has prepared a list (attached hereto as “Exhibit A”) representing those firms whose qualifications and references demonstrated to be the most advantageous to the City; and

WHEREAS, the City administration respectfully requests that the Mayor and City Council approve the selection of firms for the provision of Services, pursuant to the terms, conditions and specifications contained in the RFQ.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Selection Approval. The Mayor and City Council of the City of North Miami, Florida, hereby approve the selection of professional contractors (attached hereto as "Exhibit A") for the provision of Architectural and Engineering Services on a continuing contract basis with the City of North Miami, pursuant to *Request for Qualifications No. 12-14-15 Continuing Architectural and Engineering Services.*

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a 5 - 0 vote of the Mayor and City Council of the City of North Miami, Florida, this 9th day of June, 2015.



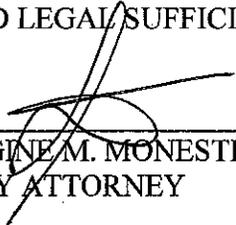
DR. SMITH JOSEPH
MAYOR

ATTEST:



MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



REGINE M. MONESTIME, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Galvin

Seconded by: Bien-Aime

Vote:

Mayor Smith Joseph, D.O., Pharm. D.
Vice Mayor Carol Keys, Esq.
Councilman Scott Galvin
Councilman Philippe Bien-Aime
Councilman Alix Desulme

<u> X </u>	(Yes)	<u> </u>	(No)
<u> X </u>	(Yes)	<u> </u>	(No)
<u> X </u>	(Yes)	<u> </u>	(No)
<u> X </u>	(Yes)	<u> </u>	(No)
<u> X </u>	(Yes)	<u> </u>	(No)



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources

Environmental Resources Management

701 NW 1st Court, 4th Floor

Miami, Florida 33136-3912

T 305-372-6700 F 305-372-6982

miamidade.gov

March 10, 2016

CERTIFIED MAIL NO. 7013 2630 0001 2416 8169
RETURN RECEIPT REQUESTED

Arthur H. Sorey, III, Interim City Manager
City of North Miami
776 NE 125 Street - 4th Floor
North Miami, FL 33161

Re: Site Assessment Report Addendum (SARA) dated January 29, 2016 and prepared by E Sciences for the Rucks Park Brownfield Site (IW5-8624/File-8022/BF ID# 131403001) located at, near, or in the vicinity of 13760-13780 NE 5th Avenue, North Miami, Miami-Dade County, Florida.

Dear Mr. Sorey:

The Department of Regulatory and Economic Resources-Division of Environmental Resources Management (DERM) has reviewed the above-referenced document received February 2, 2016. The report does not constitute an approvable SAR as stipulated in Rule 62-780.600, Florida Administrative Code (FAC). The following comments shall be addressed:

1. DERM acknowledges the recommendation by E Sciences to "conduct additional assessment to evaluate soil and groundwater impacts and develop a No Further Action with Conditions (NFAC) approach and if applicable a revised Monitoring Only Plan (MOP)". DERM offers the following comments with respect to the Groundwater Resample Plan submitted:
 - a. MW-SS-1 and MW-20(I) shall also be sampled for ammonia.
 - b. MW-SS-2D and MW-21(I) shall also be sampled for arsenic.
 - c. Analysis for fecal coliform in key monitoring wells was not proposed and shall be conducted.
 - d. The SARA states that upon resampling of certain monitoring wells for lead, dieldrin and/or PAHs, if groundwater samples confirm the absence of lead, dieldrin and PAH groundwater impacts, it will be concluded that no engineering control will be necessary to address soil leachability for said contaminants. The PAH, Dieldrin and Lead groundwater sampling proposed to address leachability concerns is insufficient based on the extent of contaminated soils exceeding leachability criteria. Therefore, additional monitoring wells shall be sampled for these contaminants of concern, as appropriate. Note that scaled site maps shall be provided identifying soil samples exceeding PAH leachability cleanup target levels (CTLs) in reference to the monitoring wells sampled. Additionally, please be reminded that it must be demonstrated by one year of groundwater monitoring data and, if applicable, fate and transport modeling results that, based upon the site-specific conditions, contaminants will not leach into the groundwater at concentrations that exceed the appropriate CTLs at the property boundaries.
 - e. Utilizing the groundwater resample results, site maps shall be provided that illustrate the degree and extent of groundwater contamination for all contaminants of concern per aquifer stratum (one map per contaminant and per aquifer stratum).

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2. In response to DERM's request to evaluate the source of the off-site arsenic contamination, the SARA states that "based on the offsite concentrations of arsenic increasing with soil sample depth in the vadose zone and the existence of an impermeable cover on the offsite property [to the west of the nursery] during the operation of the nursery; we conclude that the offsite arsenic impacts identified on the western adjacent property are not associated with the operation of the former nursery"...and "therefore, we do not consider additional offsite delineation of arsenic impacts to be necessary." Please be advised that the off-site arsenic impacts extend to areas of the site not contiguous with the nursery and the highest off-site arsenic concentration (OS-1(2-4' at 24.5 mg/kg) was located north of the nursery and west of the street sweepings area in an area of uncovered ground. Therefore, DERM does not concur that it has been demonstrated that offsite impacts are not associated with operations from the subject site. As such, if off-site sources of the arsenic soil contamination cannot be demonstrated, then further delineation of off-site arsenic-impacted soils is required in areas exceeding Miami-Dade County background concentrations (see DERM's 2014 Miami-Dade County Anthropogenic Background Study available for download at: <http://www.miamidade.gov/environment/library/reports/2014-anthropogenic-background-study.pdf>).
3. Based on the off-site soil sample results (i.e., OS-1, etc.), and pending the resample results for MW-SS-3W and MW-21(I), Initial Notice of Contamination Beyond Property Boundaries shall be given in accordance with subsection 62-780.220(2), FAC.
4. Comment 6 of DERM's November 21, 2014 letter requested the status of the permitted well located to the northwest of the site (Claridge House). The status of this well (i.e., functional, operating, frequency of use, etc.) was not provided. Furthermore, the vicinity maps provided in the well survey documentation in Appendix C did not clearly label the ten (10) wells identified in the well survey. Therefore, provide a scaled site map that clearly identifies the irrigation wells located within ¼ and ½ mile distance of the site. The two monitoring wells shall be clearly differentiated from the eight irrigation wells.
5. Please add the soil borings and monitoring wells from the Phase II dated July 2006 (received by DERM September 17, 2008) to the applicable soil and groundwater quality site maps.

Be advised that the vertical and horizontal extent of the contaminant plume(s) shall be fully delineated. DERM has the option to split any samples deemed necessary with the consultant or laboratory at the subject site. The consultant collecting the samples shall perform field sampling work in accordance with the Standard Operating Procedures provided in Chapter 62-160, FAC, as amended. The laboratory analyzing the samples shall perform laboratory analyses pursuant to the National Environmental Laboratory Accreditation Program (NELAP) certification requirements. If the data submitted exhibits a substantial variance from DERM split sample analysis, a complete resampling using two independent certified laboratories will be required.

DERM shall be notified in writing a minimum of three (3) working days prior to the implementation of any sampling or field activities. Email notifications shall be directed to DERMPCD@miamidade.gov. Please include the DERM file number on all correspondence.

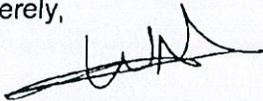
Therefore, within sixty (60) days of receipt of this letter, you are hereby required to submit to DERM for review two copies of an addendum to the Site Assessment Report, one paper and one electronic PDF on CD, prepared in accordance with Chapter 62-780, FAC, which shall address the above comments.

City Manager Sorey
IW5-8624/File-8022/BF ID# 131403001
March 10, 2016
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Any person aggrieved by any action or decision of the DERM Director may appeal said action or decision to the Environmental Quality Control Board (EQCB) by filing a written notice of appeal along with submittal of the applicable fee, to the Code Coordination and Public Hearings Section of DERM within fifteen (15) days of the date of the action or decision by DERM.

If you have any questions concerning the above, please contact Sandra Rezola (rezols@miamidade.gov) of the Environmental Monitoring and Evaluation Section at (305) 372-6700.

Sincerely,



Wilbur Mayorga, P.E., Chief
Environmental Monitoring & Restoration Division

sr

ec: Nadia Locke, P.E., E Sciences, Inc., nlocke@esciencesinc.com
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