



## Council Report

To: The Honorable Mayor and City Council

From: Wisler Pierre-Louis, Public Works Director

*NJP for*

Date: December 9, 2014

RE: A Resolution of the Mayor and City Council of the City of North Miami, Florida, Authorizing the City Manager to Execute a Third Amendment to Professional Services Agreement, in Substantially the Attached Form, Between the City Of North Miami and Tetra Tech, Inc., to Include Additional Technical Engineering Support and Other Related Services for the Rehabilitation and Upgrade of the Winson Water Treatment Plant and Interrelated Water Transmission and Distribution System, at a Cost Not to Exceed One Hundred Ninety Six Thousand Six Hundred Seventy Dollars (\$196,670.00); Providing for an Effective Date and for All Other Purposes.

### **RECOMMENDATION**

Staff is recommending that the Mayor and Council authorize the City Manager to execute a third amendment to Tetra Tech, Inc.'s Contract No. 33-10-11 – Owners Engineering Representative Services for the Winson Water Treatment Plant and Interrelated Water Transmission and Distribution System, at a cost not to exceed \$196,670.00.

### **BACKGROUND**

RFQ #33-10-11 was solicited, awarded and approved by Council in April of 2011 for an OER to assist with the technical assistance and project management of the water treatment plant rehabilitation project. Staff is requesting to amend the agreement (“Third Amendment”) to include the updated Work Order No. 6: Water Transmission System Design and Water Supply Facilities Work Plan as required for technical engineering support and other related services for the rehabilitation and upgrades of the Winson Water Treatment Plant and interrelated water transmission and distribution system.

Work Order No. 6 is a modification to the original anticipated scope of work to provide services advertised in the solicitation and requested by the City of North Miami.

### **ATTACHMENTS**

Proposed Resolution  
Proposed Agreement

K

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXECUTE A THIRD AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND TETRA TECH, INC., TO INCLUDE ADDITIONAL TECHNICAL ENGINEERING SUPPORT AND OTHER RELATED SERVICES FOR THE REHABILITATION AND UPGRADE OF THE WINSON WATER TREATMENT PLANT AND INTERRELATED WATER TRANSMISSION AND DISTRIBUTION SYSTEM, AT A COST NOT TO EXCEED ONE HUNDRED NINETY-SIX THOUSAND SIX HUNDRED SEVENTY DOLLARS (\$196,670.00); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

**WHEREAS**, on June 1, 2011, the City of North Miami (“City”) entered into an Architectural & Engineering Services Agreement (“Agreement”) with Tetra Tech, Inc. (“Consultant”), to serve the City as Engineer Representative through the engineering, design and construction phases required for the improvements and upgrades of the Winson Water Treatment Plant, in accordance with the technical specifications, terms, and conditions contained in the *Request for Qualifications #33-10-11, Owner’s Engineering Representative for the Winson Water Treatment Plant Improvement/Upgrade Project* (“RFQ”); and

**WHEREAS**, the City desires to amend the Agreement (“Third Amendment”) include the updated *Work Order Number 6: Water Transmission System Design and Water Supply Facilities Work Plan*, as required for the rehabilitation and upgrades of the Winson Water Treatment Plant and water transmission and distribution system (“Services”); and

**WHEREAS**, it is estimated that the additional required Services will cost the City an amount not to exceed One Hundred Ninety-Six Thousand Six Hundred Seventy Dollars (\$196,670.00), with such Services to be completed within a Time for Performance of two (2) years from December 1, 2014; and

**WHEREAS**, City Administration respectfully requests that the Mayor and City Council approve the proposed Third Amendment, in substantially the attached form, to accomplish the

improvements and upgrades of the Winson Water Treatment Plant and interrelated water transmission and distribution system.

**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 execute a Third Amendment to Professional Services Agreement, in substantially the attached form, between the City of North Miami and Tetra Tech, Inc., to include additional technical engineering support and other related services for the rehabilitation and upgrade of the Winson Water Treatment Plant and interrelated water transmission and distribution system, at a cost not to exceed One Hundred Ninety-Six Thousand Six Hundred Seventy Dollars (\$196,670.00).

**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 December, 2014.

\_\_\_\_\_  
DR. SMITH JOSEPH  
MAYOR

ATTEST:

\_\_\_\_\_  
MICHAEL A. ETIENNE, ESQ.  
CITY CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
REGINE M. MONESTIME  
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

**Vote:**

- Mayor Dr. Smith Joseph
- Vice Mayor Philippe Bien-Aime
- Councilperson Scott Galvin
- Councilperson Carol Keys, Esq.
- Councilperson Marie Erlande Steril

\_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
 \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
 \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
 \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)  
 \_\_\_\_\_ (Yes) \_\_\_\_\_ (No)

**THIRD AMENDMENT TO  
ARCHITECTURAL & ENGINEERING  
SERVICES AGREEMENT**

(RFQ 33-10-11; Work Order No. 6; Owner's Engineering Representative)

**THIS THIRD AMENDMENT TO ARCHITECTURAL & ENGINEERING SERVICES AGREEMENT** ("Third Amendment") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2014, between the **City of North Miami**, a Florida municipal corporation with a principal address of 776 NE 125<sup>th</sup> Street, North Miami, Florida ("City"), and **Tetra Tech, Inc.**, a foreign for-profit corporation registered and authorized to do business in the State of Florida, having its principal business office at 3475 E. Foothill Boulevard, Pasadena, CA 91107 ("Consultant"). The City and Consultant shall collectively be referred to as the "Parties".

**RECITALS**

**WHEREAS**, on June 1, 2011, the City entered into an Architectural & Engineering Services Agreement with Consultant, as subsequently amended ("Agreement"), to serve the City as Engineer Representative through the engineering, design and construction phases required for the improvements and upgrades of the Winson Water Treatment Plant, in accordance with the technical specifications, terms, and conditions contained in the *Request for Qualifications #33-10-11, Owner's Engineering Representative for the Winson Water Treatment Plant Improvement/Upgrade Project* ("RFQ"); and

**WHEREAS**, the City desires to amend the Agreement to include additional services consisting of an updated *Work Order Number 6: Water Transmission System Design and Water Supply Facilities Work Plan*, as required for the rehabilitation and upgrades of the Winson Water Treatment Plant and water transmission and distribution system ("Services"); and

**WHEREAS**, on \_\_\_\_\_, 2014, the Mayor and City Council passed and adopted Resolution No. \_\_\_\_ - \_\_\_\_\_, authorizing the City Manager to execute this Third Amendment for the required additional Services relating to the engineering, design and construction phases for the improvements and upgrades of the Winson Water Treatment Plant, at a cost not to exceed One Hundred Ninety Six Thousand Six Hundred Seventy Dollars (\$196,670.00).

**NOW THEREFORE**, in consideration of the mutual terms and conditions set forth herein, the Parties agree as follows:

1. **ARTICLE 2. CONTRACT DOCUMENTS** – is hereby amended to include the updated *Work Order Number 6: Water Transmission System Design and Water Supply Facilities Work Plan*, as required for the rehabilitation and upgrades of the Winson Water Treatment Plant and water transmission and distribution system, attached hereto as "Exhibit A". This Work Order Number 6 is hereby incorporated into and made part of the Agreement, attached hereto as "Exhibit B".

2. **ARTICLE 3. TIME FOR PERFORMANCE** – is hereby amended to increase the Time for Performance to two (2) additional years commencing December 1, 2014 through November 30, 2016.

3. **ARTICLE 4. COMPENSATION** – is hereby amended to include additional compensation to Consultant for Services performed under Work Order Number 6 in the amount not to exceed One Hundred Ninety Six Thousand Six Hundred Seventy Dollars (\$196,670.00).

4. **ARTICLE 5. SCOPE OF SERVICES** – is hereby amended to include the Services indicated in *Work Order Number 6: Water Transmission System Design and Water Supply Facilities Work Plan*, attached hereto as “Exhibit A”.

5. All other terms, conditions and requirements contained in the Contract Documents, which have not been modified by this Third Amendment, shall remain in full force and effect.

*[The remainder of this page is intentionally left blank.]*

**IN WITNESS WHEREOF**, the Parties have caused this Third Amendment to be executed by their respective and duly authorized representatives effective as of the date first written above:

ATTEST:  
Corporate Secretary or Witness:

Tetra Tech, Inc., a foreign for-profit corporation  
**“Consultant”**:

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

City of North Miami, a Florida municipal  
corporation: **“City”**

By: \_\_\_\_\_

Michael A. Etienne, Esq.  
City Clerk

By: \_\_\_\_\_

Alem A. Ghany  
City Manager

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

By: \_\_\_\_\_

Regine M. Monestime  
City Attorney