



VILLAGE OF KEY BISCAYNE

Office of the Village Manager

Village Council

Robert L. Vernon, *Mayor*
Jorge E. Mendia, *Vice Mayor*
Michael Davey
Enrique Garcia
Steve Liedman
Thomas Thornton
Patricia Weinman

Village Manager

Jacqueline R. Menendez

DATE: July 20, 2007
TO: Honorable Mayor and Members of the Village Council
FROM: Jud Kurlancheek, AICP, Interim Manager
RE: PBSJ Additional Service Agreement for the Water and Sewer Project

RECOMMENDATION

It is recommended that the Village Council approve the work authorization with Post Buckley Schuh and Jernigan, Inc. (PBSJ) in the amount of \$282,000 for additional services required for the Water and Sewer Project Design.

BACKGROUND

In the original proposal dated January 25, 2005, PBSJ requested \$16,408 for revisions to the original sanitary sewer design drawn in 1998. Since that time, substantial revisions were requested by the permitting agencies. These revisions addressed conflicts with existing utilities, landscaping, design constraints provided in the sewer system master plan and extensive dry-run review comments from Miami Dade Water and Sewer Department.

The funding for this project is the Sanitary Sewer Project.

The scope of work for PBSJ's Service Agreement is:

- Additional Design and Permitting Services
- Funding Assistance
- State Revolving Loan Request for Inclusion and Planning Document
- EPA Grant and Categorical Exclusion
- Negotiations Assistance
- Engineering Services Under Construction (ESUC)
- Shop Drawings and Technical Submittals
- Request for Information
- Site Visits

RESOLUTION NO. 2007 - _____

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER TO APPROVE WORK AUTHORIZATION WITH POST BUCKLEY SCHUH AND JERNIGAN, INC. ("PBSJ"), PROVIDING FOR PBSJ TO PROVIDE DESIGN AND CERTAIN RELATED SERVICES FOR THE VILLAGE'S WATER, SANITARY SEWER AND REUSE WATER PROJECT; PROVIDING FOR IMPLEMENTATION OF ENGINEERING WORK AUTHORIZED BY THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Manager has recommended that the Village Council authorize Post Buckley Schuh and Jernigan, Inc. ("PBSJ") to perform additional engineering services for the Village pursuant to the continuing contract for engineering services between the Village and PBSJ, so as to enable the Village Council to have the benefit of certain necessary engineering services for the water, sanitary sewer, and reuse water improvement project of the Village (the "Project"), as described in the attached Work Authorization; and

WHEREAS, the Village Council finds that it is in the best interest of the Village to authorize the Village Manager to arrange for PBSJ to provide the necessary professional engineering services, as referenced above, as further described in PBSJ's proposal dated May 11, 2007.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the recitals stated above is hereby adopted and confirmed.

Section 2. **Work Authorized; Funding**

A. That the Village Manager is hereby authorized to execute the Work Authorization with PBSJ to obtain the above described engineering services from PBSJ, subject to approval of the

Village Attorney as to form and legal sufficiency of the Work Authorization , and subject to the restriction that the fees and costs charged to the Village for such engineering services shall not exceed a lump sum fee of Two Hundred Eighty Two Thousand Dollars(\$282,000) for the work described in the proposal. The proposal, as approved and executed, constitutes a Work Authorization for the Project, pursuant to the continuing contract.

B. That the funding source for the above described work of PBSJ shall be as provided in the Village's Manager's memorandum which accompanies this item.

Section 3. Implementation. That the Village Manager is hereby authorized to take any and all action necessary to implement the purposes of this Resolution and the Work Authorization.

Section 4. Effective Date. That this Resolution shall be effective immediately upon adoption hereof.

PASSED AND ADOPTED this ____ day of July 2007.

ROBERT VERNON
MAYOR

ATTEST:

Conchita H. Alvarez, CMC
Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Village Attorney



An employee-owned company

May 11, 2007

Mr. Armando Nunez
Public Works Director
Village of Key Biscayne
85 West McIntyre Street
Key Biscayne, FL 33149

RE: Additional Design Services and Funding and Negotiation Assistance for the Village of Key Biscayne's Sanitary Sewer System and Water Main Improvement Projects

File: 01-1588.00 #1

Dear Mr. Nunez,

As per your request, we are submitting our scope and fee proposal to provide additional services for the Village's water and sewer projects.

Specifically, PBS&J is proposing the following be completed:

Scope of Work

Task 1 Additional Design and Permitting Services

In the original proposal dated January 25, 2005, PBS&J requested \$16,408 for revisions to the original sanitary sewer design. These funds have been exhausted due to the extent of the revisions required to the sanitary sewer system resulting from various conflicts with existing utilities, existing landscaping, design constraints provided in the existing sewer system master plan from 1997 and extensive dry-run review comments from Miami-Dade Water and Sewer Department (MDWASD).

Task 2 Funding Assistance

PBS&J will assist the Village in identifying funding sources and securing these funds for use in the construction of the referenced project.

Task 2.1 State Revolving Loan Request for Inclusion and Planning Document

PBS&J, along with Estrada Hinojosa & Co., Inc, assisted the Village in preparing the Request for Inclusion and associated forms for submittal to the Florida Department of Environmental Protection's (FDEP) for evaluation of the sewer project for State funding. This task included providing a summary of the revisions to the project since the 1997 Planning Document, prepared by

C.A.P. Engineering and assisting the Village with the preparation of a letter, with required attachments, to FDEP requesting the re-affirmation of the 1997 Planning Document as modified by the letter. Also included in this task is the preparation of copies of the plans and specifications for FDEP's review along with the Request for Inclusion.

Task 2.2 EPA Grant Funding and Categorical Exclusion

The United States Environmental Protection Agency (EPA) has completed the review of the Categorical Exclusion prepared by PBS&J in 2004 and has requested that environmental clearances be obtained from the following agencies:

- U. S. Fish & Wildlife Service - Endangered Species
- U. S. Army Corps of Engineers- Wetlands Impacts
- State Historic/Cultural Resources Agency

As part of this task, PBS&J prepared the requested submittals for these agencies in order to comply with the comment from the EPA. In addition, PBS&J assisted the Village in completing the EPA Application for Federal Assistance and attachments for grant funds. The EPA Application for Federal Assistance was submitted to the EPA on December 13, 2006.

Task 3 *Negotiations Assistance*

PBS&J will and has attended several meetings with various entities as part of funding negotiations. These may and have included the following:

- Consultations with MDWASD
- Consultations with County Manager
- Consultations with County Commissions
- Consultations with Miami Dade Departments
- Consultations with Village's Financial Advisors

Task 4 *Engineering Services during Construction (ESDC)*

It is assumed, herein, that construction management services for the project are not a part of this contract, that the Client's construction manager will be the primary and sole point of contact with the construction contractor, and that PBS&J will provide limited engineering services during construction in a supporting role as described below:

Task 4.1 Shop Drawings and Technical Submittals

It is assumed, herein, that the Client will receive and log shop drawings and technical submittals required to be submitted by the construction contractor and will transmit copies to PBS&J. PBS&J

will review and return submittals to the Client's construction manager within 15 working days of receipt. The review will be in accordance with PBS&J specifications and for conformance with the design concept and compliance with the contract documents.

Task 4.2 Request for Information

PBS&J will issue technical interpretations and clarifications of the contract documents, along with associated support materials, as requested by the construction manager. These interpretations will be rendered and a response prepared and submitted to the construction manager within one week of the construction manager's RFI. A total of approximately 100 RFI's has been assumed in development of the engineering fees.

Task 4.3 Site Visits

PBS&J engineering staff will visit the project at intervals appropriate to the various stages of construction to observe the progress and quality of work. The number of site visits was based on an estimated total construction duration of 18 months. If the construction duration exceeds 18 months or there is need for greater number of visits then an addendum to this contract for additional compensation will be required.

Schedule and Budget

Schedule

PBS&J is proposing the following schedule for this project:

<u>Task</u>	<u>Description</u>	<u>Approximate Duration</u>
Task 1.1	Draft Letter	Completed
	Request for Inclusion	Completed
Task 1.2	EPA Application for Federal Funds	Completed

Budget

PBS&J is proposing a lump sum fee not to exceed \$282,000 to complete the tasks listed in the scope above.

Task		Budget
1	Additional Design and Permitting Services	\$150,000
2	Funding Assistance	
	2.1 State Revolving Loan Request for Inclusion and Planning Document	\$7,000
	2.2 EPA Grant Funding and Categorical Exclusion	\$15,000
3	Negotiations Assistance	\$10,000

Task		Budget
4	Engineering Services during Construction (ESDC)	\$100,000
	Total	\$282,000

Regarding additional design and permitting services, a total of \$327,755 has been spent to date by PBS&J on this project, including survey, design, permitting and cost estimates, and out of scope services including attendance at meetings, funding assistance and negotiation assistance. Excluding the proposed budgets for out of scope services, the total spent to date is \$295,755

\$327,755	Spent to date (including out of scope services)
- \$ 22,000	Proposed Funding Assistance (completed, out of scope work)
- \$ 10,000	Proposed Negotiations Assistance (completed, out of scope work)
<u>\$295,755</u>	Spent to date on survey, design, permitting and cost estimates

Therefore, the previously proposed budget has only been exceeded by \$60,859.

\$295,775	Spent to date on survey, design, permitting and cost estimates
- \$229,114	Budget on executed scope of services
<u>\$ 5,802</u>	Less Bid Phase Services remaining
\$ 60,859	Budget Exceeded on design and permitting only

The increase in the design fee is a result of a project that is more extensive than originally anticipated in the planning stage. This difference in anticipated design effort and actual design effort, accordingly, resulted in a more extensive work effort on the part of PBS&J. Additionally, extensive revisions, based on the dry-run comments received from MDWASD, were required. In the original proposal dated January 25, 2005, PBS&J requested \$16,408 for modifications to the existing sanitary sewer design. These revisions were not expected at the time the budget was prepared. We are requesting \$150,000 to cover the amount exceeded in design/permitting and the anticipated expense to complete revisions and permitting of Zones 2/3.

The construction cost for this project, including water and sewer for Zones 1, 2/3 and 4, is approximately \$20 million. A typical design fee, based on approximately 6% of this estimate, is \$1.2 million. To date, our agreed upon budgets for the overall project is \$597,614 (\$368,500 design effort and \$229,114 for the current design scope). This proposal is for \$150,000 in additional fees for design and \$100,000 for ESDC. Including the proposed amounts, this results in a total of \$847,614, (4.24.%) which is less than expected for the size of this project.

Exceptions

The following are not included in this proposal:

- Guaranties on securing funding
- Preparation of a new planning document or revisions to the existing planning document
- Travel outside of Miami-Dade, Broward and Palm Beach Counties
- As-built or record drawings for this project
- Permit fees
- Public Hearings
- Environmental Assessments
- Services Associated with Easement Acquisitions
- Construction Management and Inspection Services
- Value Engineering (VE)
- Maintenance of Traffic (MOT)
- Any additional services other than those specified herein

We appreciate the opportunity to submit this proposal, and look forward to working with the Village on this assignment. If you have any questions, please call me at 305-514-3218.

Sincerely,

PBS&J



Patricia A. Carney, P.E., DEE
Program Manager

Accepted by:

Signed _____

Typed Name _____

Title _____

Village of Key Biscayne

Date _____

PAC/avd

cc: Jose Lopez, Village of Key Biscayne