

**FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN
THE CITY OF DORAL, FLORIDA
AND
EAC CONSULTING, INC.**

This First Amendment to EAC Consulting, Inc. Professional Services Agreement (PSA) made and entered into this 13th day of January, 2021, by and between the City of Doral, Florida, a municipal corporation of the State of Florida ("City") and EAC Consulting, Inc. ("Consultant") having its place of business at 5959 Blue Lagoon Drive, Suite 410, Miami, FL 33126, for the provision of Construction Engineering & Inspection (CEI) and Professional Services associated with the NW 41st Street Roadway Improvements Project between NW 87th Avenue and NW 79th Avenue.

WHEREAS, the City of Doral is presently engaged in completing the construction of the NW 41st Street Roadway Improvements Project between NW 87th Avenue and NW 79th Avenue ("Project"); and

WHEREAS, the City of Doral is presently contracted with EAC Consulting, Inc. (EAC) for the provision of Construction Engineering & Inspection (CEI) and professional services for the Project; and an increase in the CEI and professional services hours is required to prevent an interruption in services and be able to have day-to-day oversight of the construction, ensuring that the improvements are constructed consistent with the approved plans and allow for a proper closeout of the project; and

WHEREAS, the original cost for the professional services contracted for the Project approved by the Professional Services Agreement was a not to exceed amount of \$194,916.71; and

WHEREAS, due to numerous conflicts with existing utilities additional efforts from EAC are required for project management and inspections during the construction process; and

WHEREAS, the project cannot be completed as originally anticipated due to delays associated with utility conflicts and their relocation; and

WHEREAS, the cost for the provision of professional services was increased to a not exceed amount of \$240,461.71, with the cost of the amended work to be a not to exceed amount of \$45,545.00; and

WHEREAS, EAC Consulting, Inc. Professional Services Agreement with the City of Doral was approved by the Mayor and the City Council-Members via Resolution No. 17-109.

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 Professional Services Agreement are hereby amended to read as follows:


Attachment: NW 41 St. Staff Hours and Fees 2017-06-05

“GRAND TOTAL ESTIMATE FEE: ~~\$194,916.71~~ \$240,461.71.”

EXCEPT AS PROVIDED HEREIN, all other terms and conditions of the PSA dated July 26, 2017, 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:



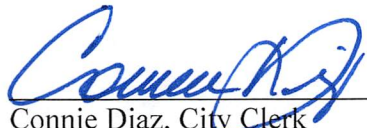
Typed Name: Janine Ortega

CONSULTANT: EAC Consulting, Inc.

By: 

Name: Enrique Crooks, PE
Title: 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

RESOLUTION No. 21-29

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 THE PROFESSIONAL SERVICES AGREEMENT BETWEEN EAC CONSULTING, INC. AND THE CITY OF DORAL TO INCREASE THE AVAILABLE FUNDS FOR PROFESSIONAL SERVICES TO COVER THE COST FOR ADDITIONAL CONSTRUCTION ENGINEERING AND INSPECTION SERVICES (CEI) AND PROJECT CLOSURE FOR THE NW 41 STREET ROADWAY IMPROVEMENTS PROJECT BETWEEN NW 87 AVENUE AND NW 79 AVENUE IN AN AMOUNT OF \$45,545.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$240,461.71; AUTHORIZING THE CITY MANAGER TO EXECUTE THE PROFESSIONAL SERVICES AGREEMENT AMENDMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, request for Qualifications (RFQ) No. 2009-06, "NW 41st Street Engineering Design and Construction Administration" was opened on May 21, 2009, for the design of the proposed improvements along NW 41st Street between NW 87th Avenue and NW 79th Avenue; and

WHEREAS, the Mayor and the City Council-Members awarded RFQ 2009-06 to EAC Consulting, Inc. (EAC) via Resolution No. 09-79; and

WHEREAS, EAC completed the design plans by March 2011 but the Project was placed on hold due to the pending development of the adjacent lot located north of NW 41st Street, formerly known as the White Course, and currently known as the Downtown Doral South area; and

WHEREAS, on July 26, 2017 the City entered into a Professional Services Agreement (PSA) with EAC to update and permit the design, and to provide Construction Engineering Inspection (CEI) services as approved by the Mayor and the

City Council-Members via Resolution No. 17-109 in an amount not to exceed \$194,916.71; and

WHEREAS, on October 23, 2019 the construction phase of the Project was awarded to Bacallao Construction & Engineering Development, LLC (Bacallao) via Resolution No. 19-251 (approved 4 – 0, 1 Not Present at time of vote), in an amount not to exceed \$2,922,533.81 (which included a 10% contingency for any unforeseen events); and

WHEREAS, the construction phase Notice to Proceed (NTP) was issued on March 16, 2020 and considered a project duration of 240 calendar days, setting the completion date to November 11, 2020 (not considering weather days and other approved days); and

WHEREAS, the construction of the project commenced immediately after the issuance of the NTP; and

WHEREAS, on May 2020, Bacallao encountered a buried FPL transmission vault and conduits along the south side of Phase I directly in conflict with the proposed stormwater drainage location that were not identified in the plans and the information was not provided to EAC at time of design; and

WHEREAS, the City notified FPL of the conflict on May 4, 2020; and

WHEREAS, in the meantime, Bacallao continued to perform allowable incidental work in order to not further delay the project; and

WHEREAS, even thou Bacallao was able to continue with some of the construction work, the pace and schedule were directly impacted by the FPL conflicts as the drainage work is part of project's schedule critical path; and

WHEREAS, furthermore, additional FPL conflicts involving the scheduling and removal of existing concrete FPL transmission poles along the north side of NW 41st Street Phase I further delayed the opening of Phase I to traffic as these poles were located along the new curb line preventing safe travel along NW 41st Street between NW 82nd Avenue and NW 79th Avenue; and

WHEREAS, approximately 30 days after notifying FPL of the conflicts the PWD imposed a permit hold on FPL permits in an effort to push FPL to respond in an expeditious manner; and

WHEREAS, on September 25, 2020 FPL finally resolved all the pending conflicts which allowed for the opening of Phase I and the official transition to Phase II of the Project (NW 41st Street between NW 82nd Avenue and NW 87th Avenue); and

WHEREAS, while working on Phase I, Bacallao proceeded to perform soft digs along Phase II of the project to identify other potential conflicts with the stormwater drainage proposed along this section and communication conduits were encountered in direct conflict with the proposed drainage alignment between NW 82nd Avenue and NW 87th Avenue; and

WHEREAS, in an effort to reduce the impact to the Project's schedule, EAC redesigned the stormwater drainage system proposed along Phase II and relocated the

system to the middle of the street and the cost associated with the redesign was covered by EAC; and

WHEREAS, as a result of these conflicts, Bacallao provided a revised schedule revising the completion date to April 9, 2021; and

WHEREAS, in order to provide for the proper oversight and closure of the Project, the PWD requested a proposal from EAC for additional CEI hours; and

WHEREAS, the PWD negotiated EAC's Inspector rate hour from \$97.26/hour to \$75.00/hour and EAC provided a final proposal on a time and material basis in an amount not to exceed \$45,545.00; and

WHEREAS, it should be noted that during the last 2 months the PWD has been subsidizing some of the inspection work in order to be able to extend EAC's inspector hours and minimize the additional cost; and

WHEREAS, City staff respectfully requests that the City Council approve the Amendment to the Professional Services Agreement with EAC Consulting, Inc. a copy which is attached hereto as Exhibit "A", for additional hours of CEI services and professional services for the NW 41st Street Roadway Improvements Project, for a revised total not to exceed amount of \$240,461.71; and

WHEREAS, funding for this request is available in the current Fiscal Year in the Public Works Department 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 the Professional Services Agreement between the City of Doral and EAC Consulting, Inc. for design services, for updating and permitting of construction plans and CEI services for the roadway improvements along NW 41st Street from NW 79th Avenue to NW 87th Avenue, in an amount not to exceed \$45,545.00, a copy which is attached hereto as Exhibit "A", which is incorporated herein and made a part hereof by this reference, is hereby approved.

Section 3. Authorization. The City Manager is authorized to execute the Amendment to the Professional Services Agreement and expend budgeted funds on the behalf of the City in furtherance hereof.

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 Puig-Corve and upon being put to a vote,
the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED this 13 day of January, 2021.



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