

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

This First Amendment to Marlin Engineering, Inc. Professional Services Agreement (PSA) made and entered into this 10 day of FEBRUARY, 2021, by and between the City of Doral, Florida, a municipal corporation of the State of Florida ("City") and Marlin Engineering, Inc. ("Consultant") having its place of business at 1700 NW 66<sup>th</sup>, Avenue; Suite # 106 Plantation, Florida 33313, for the provision of Construction Engineering & Inspection (CEI) and Professional Services associated with the Roadway Improvements Project along NW 112<sup>th</sup> Avenue between NW 25<sup>th</sup> Street and NW 34<sup>th</sup> Street.

**WHEREAS**, the City of Doral is presently engaged in completing the construction of the Roadway Improvements Project along NW 112<sup>th</sup> Avenue between NW 25<sup>th</sup> Street and NW 34<sup>th</sup> Street ("Project"); and

**WHEREAS**, the City of Doral is presently contracted with Marlin Engineering, Inc. 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 \$109,920.00; and

**WHEREAS**, as a direct result of the Federally declared pandemic, the construction contractor submitted a change order request (COR #3) declaring "severe time related impacts" to labor force, material deliveries, and manufacturing of long lead purchase items, as result of COVID related positive infections and quarantines thereof; and

**WHEREAS**, the City of Doral PWD negotiated a 42 Day "Non-Compensable" time extension in response to COR#3. In addition, 23 days were also granted as a result of twelve (12) approved weather days and eleven (11) approved construction days for extra work related to RFI response solutions; and

**WHEREAS**, the additional unforeseen efforts mentioned depleted the available CEI funding; and

**WHEREAS**, In order to resume 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 Marlin to extend the CEI services at a diminished twelve (12) manhour week until the completion of the project; and

**WHEREAS**, the remaining twenty-eight (28) manhour weekly deficit will be expended by City of Doral Public Works Inspectors in efforts to curb costs; and

**WHEREAS**, PWD staff and Marlin negotiated the attached supplemental proposal on a time and material basis with a not to exceed amount of \$12,375.00; and

**WHEREAS**, City staff respectfully requests that the City Council approve the Amendment to the Professional Services Agreement with Marlin Engineering, Inc. a copy which is attached hereto as Exhibit "A", for additional hours of CEI services and professional services for the Roadway Improvements along 112<sup>th</sup> Avenue Between NW 25<sup>th</sup> Street and NW 34<sup>th</sup> Street, for a revised total not to exceed amount of \$122,295.00; and

**WHEREAS**, Marlin Engineering, Inc. Professional Services Agreement with the City of Doral was approved by the Mayor and the City Council - Members via Resolution No. 17-202.

**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.

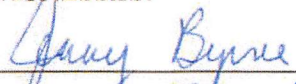
Section 2. Amendments. The following Sections of the Professional Services Agreement are hereby amended to read as follows:

Attachment: Consultant Work Order Staff Hours and Fees 01/20/2021  
"GRAND TOTAL ESTIMATE FEE: ~~\$109,920.00~~ \$122,295.00."

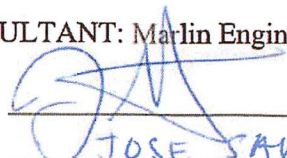
**EXCEPT AS PROVIDED HEREIN**, all other terms and conditions of the PSA dated May 13<sup>th</sup>, 2020, remain in full force and effect.

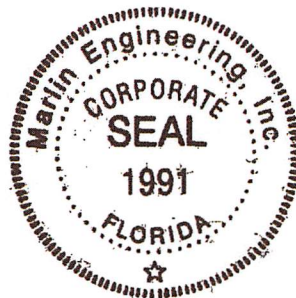
**IN WITNESS WHEREOF**, the parties hereto have executed this First Amendment on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterpart be deemed an original.

WITNESSES:

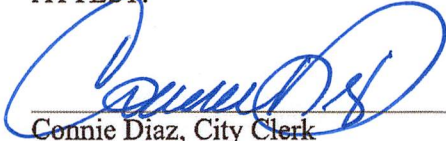
  
\_\_\_\_\_  
Typed Name: Jenny Byrne

CONSULTANT: Marlin Engineering, Inc.

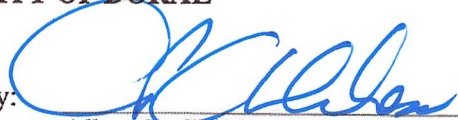
By:   
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Name: JOSE SANTIAGO  
Title: VP BUS. DEV.



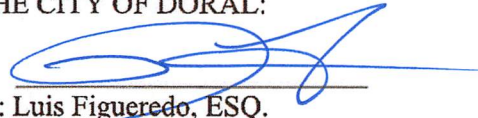
ATTEST:

  
\_\_\_\_\_  
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. 21-50**

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 A WORK ORDER BETWEEN MARLIN ENGINEERING, INC. AND THE CITY OF DORAL TO INCREASE THE AVAILABLE FUNDS FOR PROFESSIONAL SERVICES TO COVER THE COST FOR ADDITIONAL CONSTRUCTION ENGINEERING AND INSPECTION (CEI) SERVICES AND PROJECT CLOSURE SERVICES FOR THE ROADWAY IMPROVEMENTS ALONG NW 112 AVENUE BETWEEN NW 25 STREET AND NW 34 STREET IN AN AMOUNT OF \$12,375.00 FOR A TOTAL NOT TO EXCEED AMOUNT OF \$122,295.00; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT AND EXPEND BUDGETED FUNDS ON BEHALF OF THE CITY; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, on May 13, 2020 the Mayor and the City Council-Members adopted Resolution No. 20-28 (approved 5-0) authorizing the issuance of Work Order No. 19 to Marlin Engineering for the provision of Construction Engineering and Inspection (CEI) services of the NW 112th Avenue Improvements Project between NW 25th Street and NW 34th Street, in an amount not to exceed \$109,920.00; and

**WHEREAS**, Marlin Engineering original proposal considered a 5-month project duration; and

**WHEREAS**, on May 23, 2020 the construction phase of the Project was awarded to Florida Engineering and Development Corp. via Resolution No. 20-79 (approved 5 – 0), in an amount not to exceed \$1,862,027.77 (which included a 10% contingency for any unforeseen events); and

**WHEREAS**, the construction phase Notice to Proceed (NTP) was issued on June 22, 2020 and considered a project duration of 180 calendar days, setting the completion

date to December 19, 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**, as a direct result of the Federally declared pandemic, the construction contractor submitted a change order request (COR #3) declaring “severe time related impacts” to labor force, material deliveries, and manufacturing of long lead purchase items, as result of COVID related positive infections and quarantines thereof;  
and

**WHEREAS**, the City of Doral PWD negotiated a 42 Day “Non-Compensable” time extension in response to COR#3. In addition, 23 days were also granted as a result of twelve (12) approved weather days and eleven (11) approved construction days for extra work related to RFI response solutions; and

**WHEREAS**, the additional unforeseen efforts mentioned exhausted the available CEI funding; and

**WHEREAS**, in order to resume 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 Marlin to extend the CEI services at a diminished twelve (12) manhour week until the completion of the project; and

**WHEREAS**, the remaining twenty-eight (28) manhour weekly deficit will be expended by City of Doral Public Works Inspectors in efforts to curb costs; and

**WHEREAS**, PWD staff and Marlin negotiated the attached supplemental proposal on a time and material basis with a not to exceed amount of \$12,375.00; and

**WHEREAS**, City staff respectfully requests that the City Council approve the Amendment to Work Order No. 19 for Marlin Engineering, Inc., a copy which is attached hereto as Exhibit "A", for additional hours of CEI services and professional services for the Roadway Improvements along 112<sup>th</sup> Avenue Between NW 25<sup>th</sup> Street and NW 34<sup>th</sup> Street, for a revised total not to exceed amount of \$122,295.00; 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 Work Order No. 19 between the City of Doral and Marlin Engineering, Inc. for CEI services for the Roadway Improvements along 112<sup>th</sup> Avenue Between NW 25<sup>th</sup> Street and NW 34<sup>th</sup> Street, in an amount not to exceed \$12,375.00 for a revised total not to exceed amount of \$122,295.00, a copy which is attached hereto as Exhibit "A", 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 Vice Mayor Cabrera who moved its adoption. The motion was seconded by Councilman 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 10 day of February, 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