



# Broward County

## Legislation Details (With Text)

**File #:** 21-1695 **Version:** 1

**Status:** Agenda Ready

**In control:** PORT EVERGLADES DEPARTMENT

**On agenda:** 10/19/2021 **Final action:** 10/19/2021

**Title:** MOTION TO APPROVE Fifth Amendment to the Agreement between Broward County and Atkins North America, Inc., for Capital Project Manager Services, Request for Proposal (RFP) No. R1351804P1, for the Port Everglades Department, increasing the Basic Services from the maximum not-to-exceed amount of \$13,754,825 to \$16,081,595, and Reimbursables from \$997,900 to \$1,179,115, for an amended contract value not to exceed \$17,260,710 for the term of the Agreement; and authorize the Mayor and Clerk to execute same.

**Sponsors:**

**Indexes:** Established Commission Goals

**Code sections:**

**Attachments:** 1. Exhibit 1 - Fifth Amendment to Atkins Agreement, 2. Exhibit 2 - OESBD CBE Compliance Memo dated September 1, 2021

Date	Ver.	Action By	Action	Result
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### Broward County Commission Regular Meeting

**Director's Name:** Jonathan Daniels

**Department:** Port Everglades

**Division:** Seaport Engineering & Facilities Maintenance

### Information

#### Requested Action

MOTION TO APPROVE Fifth Amendment to the Agreement between Broward County and Atkins North America, Inc., for Capital Project Manager Services, Request for Proposal (RFP) No. R1351804P1, for the Port Everglades Department, increasing the Basic Services from the maximum not-to-exceed amount of \$13,754,825 to \$16,081,595, and Reimbursables from \$997,900 to \$1,179,115, for an amended contract value not to exceed \$17,260,710 for the term of the Agreement; and authorize the Mayor and Clerk to execute same.

#### Why Action is Necessary

Broward County Board of County Commissioners' approval is required for amendments to agreements exceeding \$500,000 in accordance with the provisions of the Broward County Procurement Code, Section 21.47.

#### What Action Accomplishes

Provides additional funding for the deliberately phased agreement and continues to provide Capital Project Manager support for the Port Everglades Department to serve as an extension of the County staff for the construction of the Marine Infrastructure Program at Port Everglades.

#### Is this Action Goal Related

Yes

## **Previous Action Taken**

None

## **Summary Explanation/Background**

THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This action supports the Broward County Board of County Commissioners' ("Board") Value of "Ensuring economic opportunities for Broward's diverse population and businesses" and the Goal to "Increase the economic strength and impact of revenue-generating County enterprises balancing economic, environmental, and community needs."

The Office of Economic and Small Business Development ("OESBD") established a County Business Enterprise ("CBE") participation goal of 25% for this Agreement. Atkins North America, Inc. ("Atkins") has committed to 27% CBE participation, which has been reviewed and approved by OESBD. As part of the negotiations for the Fifth Amendment, Atkins has agreed to continue with the same subconsultants and a total CBE participation commitment of 27%. To date, Atkins has achieved a 27.5% participation rate, and has provided a CBE utilization forecast to OESBD to meet its CBE commitment (see Exhibit 2).

On June 7, 2016 (Item No. 56), the Board approved the original Agreement with Atkins in the maximum not-to-exceed amount of \$2,923,500. On June 6, 2017 (Item No. 14), the Board approved the First Amendment to the Agreement, increasing the maximum not-to-exceed amount by \$2,910,265, for an amended maximum not-to-exceed amount of \$5,833,765. On September 13, 2018 (Item No. 7), the Board approved the Second Amendment to the Agreement, increasing the maximum not-to-exceed amount by \$3,100,000, for an amended maximum not-to-exceed amount of \$8,933,765. On November 5, 2019 (Item No. 16), the Board approved the Third Amendment to the Agreement, increasing the maximum not-to-exceed amount by \$3,100,000, for an amended maximum not-to-exceed amount of \$12,033,765. On November 10, 2020 (Item No. 11), the Board approved the Fourth Amendment to the Agreement, increasing the maximum not-to-exceed amount by \$2,718,960 for an amended maximum not-to-exceed amount of \$14,752,725.

One Negotiation Meeting was held on July 9, 2021, to negotiate this Fifth Amendment to the Agreement. This meeting was attended by representatives from Atkins, Nova, and Port staff from the Seaport Engineering and Facilities Maintenance Division. This amendment will increase the maximum not-to-exceed amount by \$2,507,985, for an amended not-to-exceed amount of \$17,260,710.

The Fifth Amendment to the Agreement will continue to provide for Capital Project Manager Services ("CPM") support to the Port Everglades Department ("Port") staff for the sixth year of the Agreement for daily activities related to projects within the Marine Infrastructure Program ("MIP") at Port Everglades. The MIP consists of multiple projects, including the Northport Slip 1 Expansion; Northport Slip 2 Expansion; Northport Slip 1, Berths 7/8 Improvements; Northport Cruise Terminal 2/4 Parking Deck; Northport Consolidated Facilities Maintenance Building; Midport Eller Bridge Improvements; Midport Cathodic Protection Improvements; Midport Cruise Terminal 25 Renovations; Southport Turning Notch Expansion; Southport Gantry Cranes Landside Improvements; Southport Container Yard IX-B; Southport Container Yard IX-A; Southport Berths 31 and 32 Toe-Walls; Southport West Lake Park Mitigation; Southport McIntosh Security Checkpoint 4 Modifications; Portwide Navigational Improvements; Portwide Bulkhead Replacement Program; Portwide

Environmental Marine Infrastructure Program; and the Portwide Wayfinding Sign Program; along with two new projects, the Northport Cruise Terminal 4 Improvements and the Northport Bypass Road.

In addition to the ongoing and new MIP projects, the Fifth Amendment also updates the maximum hourly rates contained in Exhibit B of the Agreement for the Senior Project Manager and Senior Construction Manager positions, modifies the Verification of Employment Eligibility Section, and adds new Sections covering Prohibited Telecommunications Equipment and Criminal History Screening Practices to address policy changes since the original Agreement was completed.

Typical duties of the CPM include providing Port staff with assistance in procurement functions, review of design services, cost estimates, scheduling, preconstruction services, construction administration services, document control services, site visits, review and approval of record drawings, and review and approval of pay applications for earned value and contract compliance as well as other capital project management duties. Members of the CPM team do not have any active consulting agreements within the MIP or Port Everglades, and the team fully complies with the conflict provisions of the Agreement.

The Fifth Amendment to the Agreement has been reviewed and approved as to form by the Office of the County Attorney.

#### **Source of Additional Information**

John C. Foglesong, P.E., Enterprise Director, Capital Projects, Port Everglades Department, Seaport Engineering & Facilities Maintenance Division, (954) 468-0142

#### **Fiscal Impact**

##### **Fiscal Impact/Cost Summary**

The source of funding for this project is the Port Everglades Capital Fund.