



# Broward County

## Legislation Details (With Text)

|                       |   |                      |                            |
|-----------------------|---|----------------------|----------------------------|
| <b>File #:</b>        | 22-1702   | <b>Version:</b>      | 1                          |
|                       |   | <b>Status:</b>       | Agenda Ready               |
|                       |   | <b>In control:</b>   | PORT EVERGLADES DEPARTMENT |
| <b>On agenda:</b>     | 11/15/2022  | <b>Final action:</b> | 11/15/2022                 |
| <b>Title:</b>         | MOTION TO APPROVE Sixth 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 \$16,081,595 to \$18,697,995, and Reimbursables from \$1,179,115 to \$1,422,805, for an amended contract value not to exceed \$20,120,800; extending the term of the agreement from June 7, 2023, through December 31, 2026; updating the scope of services, billing rates, and other provisions of the Agreement; and authorize the Mayor and Clerk to execute same. |                      |                            |
| <b>Sponsors:</b>      |   |                      |                            |
| <b>Indexes:</b>       | Established Commission Goals  |                      |                            |
| <b>Code sections:</b> |   |                      |                            |
| <b>Attachments:</b>   | 1. Exhibit 1 - Sixth Amendment to Agreement, 2. Exhibit 2 - OESBD Compliance Memo dated October 6, 2022   |                      |                            |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

### Broward County Commission Regular Meeting

**Director's Name:** Jonathan Daniels

**Department:** Port Everglades

**Division:** Seaport Engineering and Construction

### Information

#### Requested Action

MOTION TO APPROVE Sixth 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 \$16,081,595 to \$18,697,995, and Reimbursables from \$1,179,115 to \$1,422,805, for an amended contract value not to exceed \$20,120,800; extending the term of the agreement from June 7, 2023, through December 31, 2026; updating the scope of services, billing rates, and other provisions of the Agreement; and authorize the Mayor and Clerk to execute same.

#### Why Action is Necessary

In accordance with the Broward County Administrative Code Section 21.47(a), amendments to agreements exceeding \$500,000 must be approved by the Broward County Board of County Commissioners.

#### What Action Accomplishes

Provides additional funding for the deliberately phased agreement to continue 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, extends the term of the Agreement to provide continuity for existing project completion, updates maximum billing rates, and amends other provisions.

**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 a 27% CBE participation, which has been reviewed and approved by OESBD. As part of the negotiations for the Sixth Amendment, Atkins has agreed to continue with the same subconsultants and a total CBE participation commitment of 27%. To date, Atkins has achieved a 28.29% 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 deliberately phased Agreement with Atkins to provide for Capital Project Manager Services ("CPM") support to the Port Everglades Department ("Port") staff for execution of the Port's Marine Infrastructure Program ("MIP") 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. On October 19, 2021 (Item No. 7), the Board approved the Fifth Amendment to the Agreement increasing the maximum not-to-exceed amount by \$2,507,985 for an amended maximum not-to-exceed amount of \$17,260,710.

One Negotiation Meeting was held on September 22, 2022, to negotiate the Sixth Amendment to the Agreement. This meeting was attended by representatives from Atkins, Nova, Radise, and Port staff. The Sixth Amendment will increase the maximum not-to-exceed amount by \$2,860,090 for the next year of activity, for an amended not-to-exceed amount of \$20,120,800.

In addition to increasing funding for the ongoing MIP projects, the Sixth Amendment includes a new Scope of Work (Exhibit A-6 ) that consolidates all of the MIP project descriptions previously in separate exhibits into a single exhibit, adds a new Document Control Clerk position and updates the maximum hourly rates contained in Exhibit B of the Agreement for Atkins subconsultant Radise

International, updates the maximum rates for reimbursable direct non-salary expenses in Exhibit B-1 of the Agreement to align to market rates, and includes a number of other provisions to align with current County forms.

The Sixth Amendment also extends the term of the agreement, which currently expires on June 7, 2023, through December 31, 2026 (1,303 days). This extension is intended to provide continuity of project management support personnel for active projects that are a part of the current MIP. Current project scheduling has all the projects completed within this time frame. It is staff's intent to proceed with the procurement process to solicit a new vendor for CPM services for any MIP projects not already underway, along with future projects that may be identified during the upcoming Port Master Plan/Vision Update anticipated in 2023.

Under the Sixth Amendment to the Agreement, Atkins will continue to provide CPM support to Port staff for the seventh year of the Agreement for daily activities related to projects within the MIP at Port Everglades. The MIP consists of multiple projects, including Northport Slip No. 1 Expansion; Northport Cruise Terminal 4 Improvements; Northport Bypass Road; Northport Slip 1, Berths 7/8 Improvements; Northport Consolidated Facilities Maintenance Building; Midport Eller Drive Bridge Improvements; Southport Turning Notch Expansion; Southport Gantry Cranes Landside Improvements; Southport Container Yard IX-A; Southport West Lake Park Mitigation; Portwide Navigational Improvements; Portwide Bulkhead Replacement Program; Portwide Environmental Marine Infrastructure Program; and Portwide Wayfinding Sign Program. No additional projects were added to the Agreement Scope of Work.

Typical duties of the CPM include providing Port staff with assistance in procurement functions, agenda preparation, 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.

This Sixth 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 & Construction Division, (954) 468-0142

### **Fiscal Impact**

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

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