



# Broward County

## Legislation Details (With Text)

**File #:** 21-1593      **Version:** 1

**Status:** Agenda Ready

**In control:** PORT EVERGLADES DEPARTMENT

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

**Title:** A. MOTION TO APPROVE Fourth Amendment to the Agreement between Broward County and Cartaya and Associates, Architects, P.A., for Consultant Services for Terminal 2 & Terminal 4 Parking Deck Expansion and Roadway Improvements, Request for Proposal (RFP) No. R2111178P1, increasing the maximum not-to-exceed amount of compensation by \$1,099,000 for Basic Services, for a new not-to-exceed total contract value of \$7,913,250, and increasing the construction administration period by 373 days to a new total of 853 days; and authorize the Mayor and Clerk to execute same.

ACTION: (T-10:56 AM) Approved.

VOTE: 9-0.

B. MOTION TO ADOPT budget Resolution No. 2021-491 within the Port Capital Fund in the amount of \$1,099,000 for the Terminal 2 & 4 Parking Deck and Roadway Improvements Project.

ACTION: (T-10:56 AM) Approved.

VOTE: 9-0.

**Sponsors:**

**Indexes:** Established Commission Goals

**Code sections:**

**Attachments:** 1. Exhibit 1 - Fourth Amendment to Agreement With Cartaya, 2. Exhibit 2 - Budget Resolution, 3. Exhibit 3 - OESBD CBE Compliance Memo dated September 10, 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**

A. MOTION TO APPROVE Fourth Amendment to the Agreement between Broward County and Cartaya and Associates, Architects, P.A., for Consultant Services for Terminal 2 & Terminal 4 Parking Deck Expansion and Roadway Improvements, Request for Proposal (RFP) No. R2111178P1, increasing the maximum not-to-exceed amount of compensation by \$1,099,000 for Basic Services, for a new not-to-exceed total contract value of \$7,913,250, and increasing the construction administration period by 373 days to a new total of 853 days; and authorize the Mayor and Clerk to execute same.

**ACTION: (T-10:56 AM) Approved.**

**VOTE: 9-0.**

B. MOTION TO ADOPT budget Resolution No. 2021-491 within the Port Capital Fund in the amount of \$1,099,000 for the Terminal 2 & 4 Parking Deck and Roadway Improvements Project.

**ACTION: (T-10:56 AM) Approved.**

**VOTE: 9-0.**

**Why Action is Necessary**

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

B. Board approval is required to transfer funds out of reserves.

**What Action Accomplishes**

A. Authorizes an increase in the time period for construction administration and additional fees to cover costs associated with the actual project construction duration.

B. Provides an additional \$1,099,000 for the Terminal 2 & 4 Parking Deck Expansion and Roadway Improvements Project.

**Is this Action Goal Related**

Yes

**Previous Action Taken**

None

**Summary Explanation/Background**

THE PORT EVERGLADES DEPARTMENT RECOMMENDS APPROVAL.

This item supports the Broward County Board of County Commissioners' ("Board") Value of "Ensuring economic opportunities for Broward's diverse population and business" 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 project. Cartaya and Associates, Architects, P.A., ("Cartaya") committed to 52% CBE participation. Cartaya is self-performing 50% of the project, and, to date, has achieved a 58.13% participation rate (see Exhibit 3).

On January 10, 2017 (Item No. 22), the Board approved a deliberately phased Consultant Services Agreement between Cartaya and Broward County, providing for programming and design services for a new parking garage to be constructed west of Cruise Terminal 4 at Port Everglades to serve cruise passengers leaving from Cruise Terminals 2 and 4.

On November 28, 2017 (Item No. 4), the Board approved the First Amendment to the Agreement, providing for additional design services to modify the design to include ramps to access the new

parking structure from the north side of the garage from S.E. 20th Street, provide for two additional floors to be added to the parking structure in the future as needed, and to conduct a traffic operations analysis for the new garage.

On September 25, 2018 (Item No. 14), the Board approved the Second Amendment to the Agreement, providing for additional design services to revise the detail for the external ramps providing access to the new garage from S.E. 20th Street, including underground utilities, landscaping, roadway impacts, and coordination of disciplines; the addition of design services for a new security checkpoint for traffic exiting the garage from the south into the Port's existing controlled access area; and the addition of a subconsultant with services specializing in the review and inspection of the building envelope to address weathertightness of the elevated pedestrian walkway connecting the garage to Cruise Terminal 2.

On August 1, 2019, the County Administrator approved the Third Amendment to the Agreement, providing for design work associated with the demolition of the Northport Parking Garage Operations Building which was located on the median separating the eastbound and westbound lanes of S.E. 20th Street, construction of a new Parking Operations Facility located on the ground floor of the new parking garage under the internal ramp, removal of the northern lanes of the exit ramp from the existing Northport Parking Garage, removal of a portion of the parking collection system booths and associated canopy, and the placement of the northernmost, westbound external ramp such that it provided for two westbound lanes on S.E. 20th Street and an elevated external ramp with vehicular clearance for large and tall trucks. These changes were required to account for revisions to the Convention Center Expansion plans. The Board delegated the County Administrator the authority to approve the Third Amendment during the summer recess on June 11, 2019 (Item No. 74).

Due to the required design revisions resulting from the three amendments and the need to phase the garage construction to allow port operations to continue uninterrupted at the adjacent Cruise Terminal 4, the completion of the garage construction took 853 calendar days, much greater than the 480 calendar days preliminary project schedule included in the original Agreement with Cartaya. On May 6, 2021, Cartaya submitted a certified claim for additional fees totaling \$1,865,102 to cover the period of construction administration, from June 16, 2020, through June 23, 2021, representing 373 calendar days of additional effort. After review of the claim by Port staff and the Office of the County Attorney, the parties agreed to increase the maximum not-to-exceed Administration of Construction fee by \$1,099,000, and add 373 calendar days to the construction administration period. The Fourth Amendment incorporates these increases, provides a full and complete release of all outstanding claims by Cartaya, and also adds new Sections 10.34, Verification of Employment Eligibility; 10.35, Prohibited Telecommunications Equipment; and 10.36, Criminal History Screening Practices to address policy changes since the original Agreement was completed.

The below table shows the adjustments to compensation resulting from each amendment.

	Original Agreement	Amendment 1	Amendment 2	Amendment 3	Amendment 4	Totals
Basic Services	\$4,231,067 NTE	\$728,000 NTE	\$510,000 LS	\$950,000 LS	\$1,099,000 NTE	\$7,518,067
Reimbursables	\$155,249	\$10,000	\$6,000	\$2,000	\$0	\$173,249
Optional Services	\$13,684 NTE	\$35,000 NTE	\$0	\$173,250 LS	\$0	\$221,934

TOTALS	\$4,400,000	\$773,000	\$516,000	\$1,125,250	\$1,099,000	\$7,913,250
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Total payments to Cartaya as of September 3, 2021 are \$6,363,854.

The Fourth Amendment 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, Seaport Engineering and Facilities Maintenance Division, Port Everglades Department, (954) 468-0143

**Fiscal Impact**

**Fiscal Impact/Cost Summary**

The source of funds is the Port Everglades Capital Fund Reserves.