



# Broward County

## Legislation Details (With Text)

<b>File #:</b>	20-1928	<b>Version:</b>	1	<b>Status:</b>	Agenda Ready
		<b>In control:</b>	PORT EVERGLADES DEPARTMENT		
<b>On agenda:</b>	11/10/2020	<b>Final action:</b>	11/10/2020		
<b>Title:</b>	MOTION TO APPROVE Fourth 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 \$11,224,525 to \$13,754,825, and Reimbursables from \$809,240 to \$997,900, for an amended contract value not to exceed \$14,752,725 for the term 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 - Agreement Summary, 2. Exhibit 2 - Fourth Amendment to Agreement, 3. Exhibit 3 - OESBD CBE Evaluation Memo				
<b>Date</b>	<b>Ver.</b>	<b>Action By</b>	<b>Action</b>	<b>Result</b>	

### Broward County Commission Regular Meeting

**Director's Name:** Jonathan Daniels

**Department:** Port Everglades

**Division:** Seaport Engineering & Facilities Maintenance

### Information

#### Requested Action

MOTION TO APPROVE Fourth 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 \$11,224,525 to \$13,754,825, and Reimbursables from \$809,240 to \$997,900, for an amended contract value not to exceed \$14,752,725 for the term 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 21.94.a, this amendment must be approved by the Broward County Board of County Commissioners.

#### 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 a 27% CBE participation, which has been reviewed and approved by OESBD. As part of the negotiations for the Fourth Amendment, Atkins has agreed to continue with the same subconsultants and a total CBE participation commitment of 27%. To date, Atkins has achieved a 27.42% participation rate, and has provided a CBE utilization forecast to OESBD to meet it's CBE commitment (see Exhibit 3).

This Fourth Amendment to the Agreement will continue to provide for Capital Project Manager Services ("CPM") support to the Port Everglades Department ("Port") staff for the fifth 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 Northport Slip No. 1 Expansion; Southport Turning Notch Expansion; Southport Gantry Cranes - Landside Improvements; Northport Slip 2 Expansion; Northport Slip 1, Berths 7/8 Improvements; Midport Cruise Terminal 25 Renovations; Northport Cruise Terminal 2/4 Parking Deck; Southport Container Yard IX-B; Southport Container Yard IX-A; Southport Berths 31 and 32 Toe-Walls; Portwide Navigational Improvements; Portwide Bulkhead Replacement Program; Southport West Lake Park Mitigation; Southport McIntosh Security Checkpoint 4 Modifications; Portwide Environmental Marine Infrastructure Program; Northport Consolidated Facilities Maintenance Building; and Midport Cathodic Protection Improvements, along with two new projects, the Portwide Wayfinding Sign Program and Midport Eller Bridge Improvements.

In addition to the ongoing and new MIP projects, updates to reimbursable expenses contained in Exhibit B-1 of the Agreement were made for costs associated with diving services to reflect market rates for these expenses.

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.

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.

One Negotiation Meeting was held on October 15, 2020, to negotiate this Fourth 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 \$2,718,960, for an amended not-to-exceed amount of \$14,752,725.

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

**Source of Additional Information**

David Anderton, AICP, PPM, Assistant Director, Port Everglades Department

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.