

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING, IN SUBSTANTIAL FORM, AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY AND KIMLEY-HORN AND ASSOCIATES, INC., PURSUANT TO REQUEST FOR PROPOSALS (RFP) NO. 2015-115-JR FOR PROGRAM MANAGEMENT SERVICES FOR AN INTELLIGENT TRANSPORTATION SYSTEM AND SMART PARKING SYSTEM PROJECT; SAID AMENDMENT INCREASING THE ORIGINAL APPROVED NOT-TO-EXCEED CONTRACT SUM FROM \$2,250,000.00 TO \$3,250,000.00, SUBJECT TO FUNDING APPROVAL AS PART OF THE SEVENTH AMENDMENT TO THE FY 2024 CAPITAL BUDGET AT THE JUNE 26, 2024 CITY COMMISSION MEETING; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT.**

**WHEREAS**, on October 23, 2015, pursuant to Request For Proposals ("RFP") No. 2015-115-JR for Program Management Services for the Intelligent Transportation System and Smart Parking System project ("ITS/SPS" or "Project"), the City of Miami Beach ("City") and Kimley-Horn and Associates, Inc. ("Kimley-Horn") executed a Professional Services Agreement ("Agreement") in an amount not-to-exceed \$2,250,000.00; and

**WHEREAS**, on October 13, 2021, the City Commission adopted Resolution No. 2021-31892, authorizing the City to execute Amendment No. 1 to the Agreement, extending the term of the Agreement through a date that is six (6) months from the City's acceptance of the completed Project, without exceeding the original approved not-to-exceed contract cap of \$2,250,000.00; and

**WHEREAS**, Amendment No. 1 was executed by the City and Kimley-Horn on May 25, 2022; and

**WHEREAS**, pursuant to the Agreement, the City Manager at its sole discretion may adjust the hourly billing rates according to the increase in the Consumer Price Index ("CPI") percentage; and

**WHEREAS**, on December 22, 2022, the City and Kimley-Horn executed Amendment No. 2 to the Agreement, increasing the hourly billing rates by 9.1%, effective retroactively to July 1, 2022 (the "2022 Rate Increase"), without exceeding the original approved not-to-exceed contract cap of \$2,250,000.00; and

**WHEREAS**, on May 22, 2024, the City and Kimley-Horn executed Amendment No. 3 to the Agreement, increasing the hourly billing rates by 3.7% to in accordance with the percentage of increase in the CPI, effective retroactively to October 1, 2023 (the "2023 Rate Increase"), without exceeding the original approved not-to-exceed contract cap of \$2,250,000.00; and

**WHEREAS**, pursuant to the Agreement, Kimley-Horn is responsible for performing the following program management tasks as well as construction engineering and inspection ("CEI") services for the Project:

- developing Project plan documents, including technical specifications and stakeholder requirements;
- developing concept of operations plan;

- developing a systems engineering management plan;
- developing minimum technical standards;
- developing Project procurement documents for the design, build, operation, and maintenance ("DBOM") procurement solicitation;
- drafting the DBOM contract in collaboration with City staff;
- overseeing negotiations plan with DBOM firm;
- overseeing day-to-day project management duties including design reviews, agency meetings and coordination, and schedule and budget adherence, among others;
- serving as the Project Engineer and providing CEI support during construction to ensure that all construction is being performed in accordance to plan and technical specifications;
- overseeing the Project acceptance and burn-in period process; and
- assisting in the occupancy phase following burn-in period with initial review of performance metrics and invoices; and

**WHEREAS**, the Project is divided into six (6) phases (Phases 1 through 6), strategically sequenced based on the deployment schedule of devices along the City's major thoroughfares, with Phases 1 and 2 currently in construction; and

**WHEREAS**, during Phases 1 and 2 of the Project, Kimley-Horn has served as the City's program manager responsible for leading all progress meetings for the Project, reviewing design plans, coordinating agreements with governmental agencies, reviewing and approving all Project documents, coordinating the submission and responses of Requests For Information (RFI) on the Project, reviewing all Project invoices, and for CEI services during construction; and

**WHEREAS**, pursuant to contract documents for the Project, the work for Phases 3 through 6 are subject to funding appropriation by the City Commission; and

**WHEREAS**, as part of two (2) separate items on the June 26, 2024 City Commission meeting agenda, the Administration is proposing both a contract amendment to the Project and a capital budget amendment requesting additional funding to proceed with the design, permitting, and construction of Phases 3 through 6 of the Project; and

**WHEREAS**, the capital budget amendment includes the costs associated with the continuation of program management and CEI services by Kimley-Horn; and

**WHEREAS**, the design, permitting and construction of Phases 3 through 6 is anticipated to take approximately 24 months to complete; and

**WHEREAS**, the costs associated with program management and CEI services by Kimley-Horn for Phases 1 and 2 is \$1,865,780.63 and the estimated cost for program management and CEI services for Phases 3 through 6 is \$1,383,735.20; and

**WHEREAS**, in order for the City to continue to engage Kimley-Horn for the provision of program management, technical support, and CEI services for the design, implementation, and system acceptance for Phases 3 through 6 of the Project, the current contract cap would have to be increased from \$2,250,000.00 to an amount not-to-exceed \$3,250,000.00; and

**WHEREAS**, when the Agreement was originally negotiated, the Agreement envisioned one (1) single project and the selection of one (1) contractor; however, while one (1) contractor was selected for the design, construction, operation, and maintenance for the Project, due to

budget constraints, the Project was divided into six (6) phases to align with the available City budget; and

**WHEREAS**, as a result, additional negotiation efforts, reviews, additional program management services have been required from Kimley-Horn; and

**WHEREAS**, furthermore, due to delays associated with the COVID-19 pandemic, permitting, coordination with other City projects, and negotiations in securing approvals from regulatory agencies including the Florida Department of Transportation and Miami-Dade County Department of Transportation and Public Works, the Agreement was previously amended to provide for additional time, including extending the term of the Agreement to a date six (6) months beyond the City's acceptance of the Project, however, the initial not-to-exceed contract amount of \$2,250,000.00 has not been increased over the years; and

**WHEREAS**, in order for the City to fully fund and complete Phases 1 through 6 of the Project, the Interim City Manager recommends approving, in substantial form, Amendment No. 4 to the Agreement, a draft copy of which is attached to the City Commission Memorandum accompanying this Resolution; said Amendment increasing the current contract cap from \$2,250,000.00 to an amount not-to-exceed \$3,250,000.00; and further authorizing the Interim City Manager to finalize negotiations and execute the Amendment.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve, in substantial form, Amendment No. 4 to the Professional Services Agreement between the City and Kimley-Horn and Associates, Inc., pursuant to Request for Proposals (RFP) No. 2015-115-JR for Program Management Services for an Intelligent Transportation System and Smart Parking System Project; said Amendment increasing the original approved not-to-exceed contract sum from \$2,250,000.00 to \$3,250,000.00, subject to funding approval as part of the Seventh Amendment to the FY 2024 Capital Budget at the June 26, 2024 City Commission meeting; and further authorize the City Manager to execute the Amendment.

**PASSED and ADOPTED** this 26<sup>th</sup> day June, 2024.

**ATTEST:**

\_\_\_\_\_  
Steven Meiner, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

\_\_\_\_\_  
City Attorney

6/20/24  
\_\_\_\_\_  
Date