

RESOLUTION NO. 2021-041

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, APPROVING THE ISSUANCE OF A WORK ORDER TO KIMLEY-HORN AND ASSOCIATES, INC., A PREQUALIFIED VILLAGE DESIGN VENDOR, FOR DESIGN, PERMITTING, AND CONSTRUCTION BIDDING SERVICES FOR THE ISLAND WALK NORTH PLAZA IN AN AMOUNT NOT TO EXCEED \$69,600.00; AMENDING THE BUDGET FOR FISCAL YEAR 2020-2021; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 2012, North Bay Village (the “Village”) was awarded \$50,250 from the Florida Inland Navigation District (“FIND”) to design the Island Walk Plaza areas (i.e., the North Plaza, next to Bridgewater Condominium, and the South Plaza, next to Grandview Palace), and the design was completed in 2015; and

WHEREAS, the Village later applied to FIND and the Florida Department of Transportation (“FDOT”) to fund construction for the South Plaza, was awarded \$200,000 in 2015 and \$180,000 in 2018, and completed the South Plaza Project; and

WHEREAS, FDOT has awarded the Village \$1,000,000 for the construction of the North Plaza; and

WHEREAS, on February 9, 2021, the Village adopted Ordinance No. 2021-002, establishing the Island Walk Design Criteria as standards in the Unified Land Development Code; and

WHEREAS, the Island Walk North Plaza was originally designed six years ago and will need to be revised and re-permitted to comply with the updated Island Walk Design Criteria and to address design obstacles related to underground utilities which were identified during site investigations; and

WHEREAS, on January 8, 2020, the Village entered into an agreement with Kimley-Horn and Associates, Inc. (“Kimley-Horn”) as a prequalified design consultant pursuant to RFQ 2019-005 and the Consultants Competitive Negotiation Act (CCNA) process (the “Agreement”); and

WHEREAS, Kimley-Horn has provided a proposal, attached hereto as Exhibit A, (the “Proposal”) to update the design survey, the conceptual design, 3D renderings, and bid documents for the Island Walk North Plaza to include elements of the Island Walk Design Criteria and proposed landscaping, which will be presented to the Commission for final input and later bid out for construction with Kimley-Horn’s assistance; and

WHEREAS, staff recommends that the Commission approve a work order consistent with the Village’s existing Agreement with Kimley-Horn and the Proposal and authorize the Village Manager to further advance the Island Walk North Plaza; and

WHEREAS, on September 21, 2020, the Village Commission adopted Resolution No. 2020-56 approving the budget for fiscal year 2020-2021 (the “Budget”); and

WHEREAS, pursuant to Section 166.241(5), Florida Statutes, the Village Commission may amend a budget at any time within a fiscal year; and

WHEREAS, pursuant to Section 35.21 of the Village Code of Ordinances and Florida Law, the Village Commission desires to amend the Budget by transferring \$69,600 from the Park Improvement Fund to the Capital Projects Fund for the expenses associated with the Island Walk North Plaza Project; and

WHEREAS, the Village Commission finds that this Resolution is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMISSION

OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Approval. That the Commission approves the issuance of a work order to Kimley-Horn consistent with the terms of the Agreement and Proposal in an amount not to exceed \$69,600.00 for Island Walk North Plaza design revisions, permitting and bidding services.

Section 3. Amending Budget. That the Village Commission hereby approves an amendment to the budget by transferring \$69,600 from the Park Improvement Fund to the Capital Projects Fund for the expenses associated with the Island Walk North Plaza Project.

Section 4. Implementation. The Village Manager and the Village Attorney are hereby authorized to take such further action as may be necessary to implement the purpose and provisions of this Resolution, including issuing a work order and expending budgeted funds.

Section 5. Effective Date. This Resolution shall become effective immediately upon its adoption.

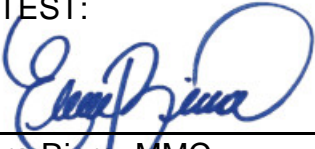
The foregoing Resolution was offered by Commissioner Streitfeld who moved its adoption. The motion was seconded by Mayor Latham and upon being put to a vote, the vote was as follows:

- Mayor Brent Latham YES
- Vice Mayor Marvin Wilmoth YES
- Commissioner Richard Chervony NO
- Commissioner Rachel Streitfeld YES
- Commissioner Julianna Strout NO

PASSED AND ADOPTED on this 10th day of August, 2021.




Brent Latham, Mayor

ATTEST:


Elora Riera, MMC
Village Clerk



APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Weiss Serota Helfman Cole & Bierman, P.L.



June 17, 2021

Marlon Lobban

Public Works Director
1666 Kennedy Causeway, #300
North Bay Village, Florida 33141

**RE: Island Walk North Plaza
Proposal for Consulting Services**

Dear Mr. Lobban:

Kimley-Horn and Associates, Inc. (“Kimley-Horn” or “the Consultant”) is pleased to submit this letter agreement (the “Agreement”) to North Bay Village (“the Client”) for providing consulting services in accordance with the terms and conditions of the “Contract for General Professional Engineering and Architectural Services Contract” between North Bay Village, FL and Kimley-Horn and Associates, Inc., dated January 8, 2020 which is incorporated herein by reference for the project (“Project”) known as “Island Walk North Plaza”. Our project understanding, scope of services, schedule, and fees follow.

PROJECT UNDERSTANDING

This scope of services is for the re-design and re-permitting of the Island Walk North Plaza to accommodate the North Bay Village Island Walk Design Criteria and underground utilities shown on the Subsurface Utility Report prepared by others. See Exhibit A – Limits of Work. The Island Walk North Plaza project under this scope of services has received a \$1 Million construction grant available in FY2022 which is to be matched by North Bay Village. FDOT identifies this grant project under the following number and title: “FM #440846-1: North Bay Village Baywalk Plaza Area (North): Phase I”.

The scope of work consists of the following tasks:

- Task 1 – Updated Survey
- Task 2 – Cultural Resource Assessment
- Task 3 – Revised Conceptual Design
- Task 4 – 3D Rendering
- Task 5 – Revised Contract Documents
- Task 6 – Permitting Assistance
- Task 7 – Bidding Assistance
- Task 8 – Limited Roost Survey for the FBB

PROJECT ASSUMPTIONS

Kimley-Horn assumes the following:

- Services under this scope of services is limited to the Island Walk North Plaza limits only.

- Redesign and/or engineering design of the existing seawall/bulkhead is not part of this scope of services.
- The proposed improvements under this scope of services will be designed and permitted through FDOT, North Bay Village and Miami-Dade County as one phase of construction.
- All design outside of the limits of work as shown on Exhibit A will be provided as additional services, if requested by the Client.
- Contract documents for special features such as trellises, shelters and/or sail sculpture are not included in this agreement and will be provided as additional services
- Revisions to the previously prepared CSI format technical specifications is not part of this scope of services.
- If needed, additional contract documents that are not part of the current bid set will be provided as additional services.
- Title search will be performed by an attorney under a separate contract with the Client.
- Preparation of Power Point format presentations is not part of this scope of services.
- Geotechnical engineering/investigation services are not part of this scope of services
- Preparation of an Opinion of Probable Costs is not part of this scope of services.
- Construction phase services is not part of this scope of services.
- Design of the future sail structure is not part of this scope of services.

Scope of Services

The following Scope of Services summarizes the tasks under this contract.

TASK 1 – Updated Survey

Through a sub-consultant, Kimley-Horn will update the previously prepared topographic survey of the Island Walk North Plaza site. In addition, the surveyor will prepare a Sketch to accompany Legal Description of an area to be determined at a later time.

Deliverables: Five signed and sealed copies of the resulting Map of Topographic Survey along with the resulting CAD (DWG format) and PDF files.

TASK 2 – Cultural Resource Assessment

Through a sub-consultant, Kimley-Horn will conduct a Phase I cultural resource assessment of the Island Walk North Plaza North parcel. This assessment will be implemented to meet the guidelines for an archaeological and historical survey as required by reviewing agencies and modular 3 guidelines. A scope of work is provided below.

I. Literature and Archival Review

A review of pertinent records, maps, and aerial photographs will be conducted to determine if previously unrecorded archaeological and/or historical sites occur on the parcel.

II. Field Work

A pedestrian survey will be conducted across the parcel. Shovel testing will be conducted where feasible. Soil from all test holes will be sifted through a ¼” screen and any cultural samples recovered. Any positive locations for artifacts or sites will be depicted on the site map using GPS

coordinates. An architectural historian will evaluate the question of affects on the North Bay historic district.

III. Data Analysis

All recovered samples will be catalogued and quantified. The results of this analysis will be included in the final report.

IV. Report Preparation

A written report will be provided following completion of the field work and will include a description of methodology, results, and recommendations. One digital copy of the report will be provided.

TASK 3 – Revised Conceptual Design

Based on the new North Bay Village Island Walk Design Criteria and the Subsurface Utility Report prepared by others, Kimley-Horn will prepare one (1) Revised Preliminary Conceptual Design Plan in color of the Island Walk North Plaza for review and comments by the Village. The Revised Preliminary Conceptual Design Plan will show the proposed plaza area, landscaping, site furniture, site lighting and future “sail structure”.

Based on Client comments on the Revised Preliminary Conceptual Design Plan, Kimley-Horn will prepare one (1) Revised Final Conceptual Design Plan in color. The Revised Final Conceptual Design Plan will be provided as follows:

- One (1) hardcopy (24” x 36”) of the Final Conceptual Design Plan mounted on a board
- PDF of the same

If requested by the Client, preparation of additional revised conceptual plans will be provided as additional services.

During this task, Kimley-Horn will attend up to two (2) meetings in North Bay Village, to be attended by one (1) Kimley-Horn representative as follows:

- One (1) Commission meeting
- One (1) Coordination meeting with Village staff
- Any additional meetings requested by Client will be billed on an hourly basis.

TASK 4 – 3D Rendering

Kimley-Horn will prepare one (1) computer generated “3D” rendering in color based on the Final Conceptual Design Plan. The 3D rendering will be provided as follows:

- One (1) hardcopy (24” x 36”) of the 3D rendering mounted on a board
- PDF of the same

TASK 5 – Revised Contract Documents

Based on the Final Conceptual Design Plan approved by the Client as well as the Client provided Subsurface Utility Report, Kimley-Horn will revise the previously prepared contract documents for the Island Walk North Plaza project. Kimley-Horn will make one (1) formal submittal during the Revised Contract Documents phase at the 90% stage of completeness, which is limited to the following revised Contract Documents items:

- Cover Sheet
- Tree Mitigation Plan and Notes
- Demolition Plan
- Paving & Grading Plan
- Drainage Plan and Details
- Water and Irrigation Plan
- Hardscape Plan and Details
- Landscape Plan, Notes and Details
- Irrigation Plans, Notes and Details
- Lighting Plan and Details
- Electrical Plan and Details
- Structural Details

TASK 6 – Permitting Assistance

Based on the Revised 90% Contract Documents submittal package, Kimley-Horn will prepare permit applications with supporting documentation for the proposed site improvements for the Client's signature and subsequent transmittal to the following regulatory agencies:

- **Miami-Dade County Department of Regulatory and Economic Resources (DRER):** For review of storm water management plans submitted as part of the Class IV Application
- **North Bay Village Building Department:** For review of site work, landscape, paving, grading and drainage plans
- **FDOT District VI:** For review of site work, landscape, paving, grading and drainage plans as part of a Right of Way Landscape Permit

After Kimley-Horn has submitted the permit applications and the revised 90% Contract Documents submittal set to the Client for distribution by the Client to the applicable permitting agencies, and received comments from the applicable regulatory agencies, we will upgrade the permit documents to full contract documents. The plans will be prepared reflecting comments and/or conditions set forth by the regulatory agencies during the permitting process. Any changes requested beyond this point will be addressed as additional services. If separate or additional submittals are requested by any of the jurisdictional agencies, the Client or any of the client's consultant, said submittals will be made as an additional service.

Permit fees and impact fees are not included. Kimley-Horn will address reasonable comments or agency requests for additional information (RAIs) as part of this task in conjunction with this project. Attendance to additional meetings with reviewers, addressing more than two rounds of comments and revisions requested by others after submittal will be performed as an additional service. Kimley-Horn proposes to attend meetings during this task. Our proposal includes the following:

- Three (3) meetings with Client and/or FDOT/Miami Dade County to be attended by one Kimley-Horn representative (meetings are assumed at 3 hours max in length including travel time).
- Any additional meetings requested by Client will be billed on an hourly basis.

TASK 7 – Bidding Assistance

Kimley-Horn will consult with and advise the Client during the bidding process and will assist the Client in preparing the project documents for competitive bidding by construction contractors. Kimley-Horn's services under this task is limited to the following:

- Kimley-Horn will attend one (1) pre-bid meeting with potential bidders
- Kimley-Horn will provide PDF's of bid plans
- Kimley-Horn will review the bid documents prepared by the Client and provide comments
- Kimley-Horn will review the bid tabulation forms prepared by the Client and provide comments regarding Contractor pay items
- Kimley-Horn will provide responses to bidder's questions as received, coordinated and distributed by the Client's public works department staff
- Kimley-Horn will attend one (1) selection committee meeting to discuss selection of the successful Contractor
- Any additional services requested by Client during this task will be billed on an hourly basis.

TASK 8 – Limited Roost Survey for the FBB: Kimley-Horn will conduct a limited roost survey for the FBB per the US Fish and Wildlife Service (FWS) Consultation Key for the Florida Bonneted Bat. This survey will include visual inspection of trees and snags and other roost structures with tree-top cameras within the proposed project area, as well as emergence surveys conducted around sunset. For any potential cavity tree found, Kimley-Horn will record the tree species, diameter, height, and cavity orientation and contents. This task does not include acoustic surveys.

Upon completion of these surveys, Kimley-Horn will prepare a memorandum to submit to FDOT per their request in a recent RAI. Kimley-Horn can also provide this information to the FWS as part of a technical assistance package at the direction of the Client, pending the project schedule. Additional coordination with FWS will require additional services.

The intent of these surveys is to demonstrate that the project is unlikely to result in take of the FBB or a known roost. If, during the course of these surveys, bats are identified roosting in cavities within the project area, the Client will be notified, and additional services will be required.

ADDITIONAL SERVICES

The following tasks are not part of this scope of services, but may be provided as additional services, if requested by the Client. These services may include, but are not limited to:

- Revisions to the plans due to substantial changes in project scope, budget, and/or concept.
- Services required by additional governmental regulations which might be put into effect after the date of this agreement.
- Revisions to invoices or additional invoice backup coordination, such as work descriptions.
- Improvements outside the project limits shown in "Exhibit A".

- Redesign and/or engineering design of the existing seawall/bulkhead.
- Meetings, presentations or coordination in addition to those described in the tasks above.
- Revisions/Updates to the previously prepared CSI format written specifications.
- Preparation of Power Point format presentations.
- Deliverables not specifically outlined in Tasks 1 through 8.

SCHEDULE

See project schedule below:

North Bay Village Baywalk North Plaza FM #440846-1-58 Project Schedule (as of 6/17/2021)	
Items	Date
LAP Agreement signed by the Agency	Received Draft LAP Agreement from FDOT on 3/9/2021. Sent back marked up on 3/19/2021. Will need to revise milestone dates with this updated schedule.
60% plans submittal to FDOT	04/06/2021
Cultural Consultant Study Completion	11/01/2021
Environmental Study Completion	11/01/2021
Section 4(f) Evaluation Completion	11/01/2021
Construction checklist form # 525-010-44	11/01/2021
R/W certification (FDOT form # 572-095-05C)	11/01/2021
Utility Certification	11/01/2021
Rail-Road Certification	11/01/2021
Permitting Submittal of 90% plans	11/01/2021
90% plans submittal to FDOT	11/30/2021
Permit Certification	02/28/2022
Final Plans & specification submittal to FDOT	03/31/2022
Bid Documents	04/30/2022

FEE AND BILLING

For the services set forth above, Client shall pay Consultant the following compensation:

LUMP SUM LABOR TASKS

Kimley-Horn will perform the services described in Tasks 1 and 2 of this Scope of Services for the lump sum fees outlined below. Individual task amounts are informational only.

Task	Description	Lump Sum Fee
1	Updated Survey	\$4,000
2	Cultural Resource Assessment	\$6,000
TOTAL LUMP SUM LABOR FEE		\$10,000

HOURLY NOT TO EXCEED TASKS

Kimley-Horn will perform the services described in Tasks 3 - 8 of this Scope of Services as well as any additional services on a labor fee plus expense basis. Labor fee will be billed on an hourly basis according to our then-current rates.

Task	Description	Hourly Not to Exceed Fee
3	Revised Conceptual Design	\$6,500
4	3D Rendering	\$2,800
5	Revised Contract Documents	\$25,600
6	Permitting Assistance	\$8,500
7	Bidding Assistance	\$5,500
8	Limited Roost Survey for the FBB	\$4,500
TOTAL HOURLY NOT TO EXCEED FEES		\$53,400

REIMBURSABLE EXPENSES TASK

In addition to the hourly fees, direct reimbursable expenses large format reproductions (larger than 11" x 17"), air travel, and other direct expenses will be billed in accordance with the original agreement. A percentage of labor fee will be added to each invoice to cover certain other expenses such as telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Administrative time related to the project may be billed hourly. All permitting, application, and similar project fees will be paid directly by the Client.

TOTAL REIMBURSABLE EXPENSES \$1,200

ADDITIONAL SERVICES ALLOWANCE: \$5,000

TOTAL COMPENSATION: **\$69,600**
(Lump Sum + Hourly + Reimbursable Expenses+ Allowance)

Fees and reimbursable expenses will be invoiced monthly based upon the overall percentage of services performed. Payment will be due within 30 days of your receipt of the invoice. All permitting, application, and similar project fees will be paid directly by the Client.

TO BE PROVIDED BY THE CLIENT

The Client will contract directly for, and provide the following information, on which we may rely, for our use in completing this Scope of Services:

- Subsurface Utility Report prepared by others.
- Permitting Fees and permitting expeditor services.
- Title search
- Ownership documentation required during the process.

PROJECT RECOGNITION

The Client agrees to credit Kimley-Horn and Associates, Inc. for all Kimley-Horn generated images of the project and to identify Kimley-Horn as the landscape architect and engineer for said Project in all communications, advertisements and marketing materials.

CLOSURE

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the attached Standard Provisions, which are incorporated by reference. As used in the Standard Provisions, "Consultant" shall refer to Kimley-Horn and Associates, Inc., and "Client" shall refer to **North Bay Village**.

Kimley-Horn, in an effort to expedite invoices and reduce paper waste, submits invoices via email in an Adobe PDF format. We can also provide a paper copy via regular mail if requested. include the invoice number and Kimley-Horn project number with all payments. Please provide the following information:

____ Please email all invoices to _____

____ Please copy _____

If you concur in all the foregoing and wish to direct us to proceed with the services, please have authorized persons execute both copies of this Agreement in the spaces provided below, retain one copy, and return the other to us. We will commence services only after we have received a fully executed agreement. Fees and times stated in this Agreement are valid for sixty (60) days after the date of this letter.

To ensure proper set up of your projects so that we can get started, please complete and return with the signed copy of this Agreement the attached Request for Information. Failure to supply this information could result in delay in starting work on your project.

With Kimley-Horn, you should expect more and will experience better. Please contact me at (305) 673-2025 or george.puig@kimley-horn.com should you have any questions.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.



Jorge L. Fernandez, P.E.
Vice President



George Puig, PLA
Senior Project Manager

North Bay Village

Agreed to this _____ day of _____, 2021

By: _____

(Print or Type Name)

Title: _____

(As Authorized by Law)

(Email Address)

_____, Witness

(Print or Type Name)

Copy To: Jorge Fernandez/File

Client's Federal Tax ID: _____

Client's Business License No.: _____

Client's Street Address: _____

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EXHIBIT A
LIMITS OF WORK

