



Legislation Text

File #: 20-0033, Version: 1

MOTION TO APPROVE THE PROFESSIONAL SERVICES AGREEMENT WITH CALVIN, GIORDANO & ASSOCIATES, INC. FOR GENERAL ENVIRONMENTAL SERVICES IN AN ANNUAL AMOUNT NOT TO EXCEED \$50,000.

PROCUREMENT PROCESS TAKEN:

- *Chapter 35 of the City's Code of Ordinance is titled "PROCUREMENT PROCEDURES, PUBLIC FUNDS."*
- *Section 35.18 of the City's Code of Ordinances is titled "COMPETITIVE BIDDING OR COMPETITIVE PROPOSALS REQUIRED; EXCEPTIONS."*
- *Section 35.18(C) states that "Only the following situations are exempt from the competitive bid and competitive proposal requirements of this section:"*
- *Section 35.18(C)(2) states "Contracts for professional services involving peculiar skill, ability, experience or expertise, which are in their nature unique and not subject to competitive bidding, or competitive proposals, are exempt from this section; however, state laws, such as the Consultants' Competitive Negotiation Act of the state statutes, as may be amended from time to time to the extent applicable, shall be followed."*
- *Florida Statute (F.S.) 287.055 is known as the "Consultant's Competitive Negotiation Act" (CCNA).*
- *F.S. Section 287.055(2)(a) defines Professional services as "those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice."*
- *Section 35.21(A)(1) of the City's Code of Ordinance states, "An initial purchase of, or contract for, commodities or services, in excess of \$25,000, shall require the approval of the City Commission, regardless of whether the competitive bidding or competitive proposal procedures were followed."*

SUMMARY EXPLANATION AND BACKGROUND:

1. The City Engineer is requesting to enter into a new professional services agreement with Calvin, Giordano & Associates, Inc. for General Environmental Services.

2. The purpose of this agreement is to provide Professional Environmental and Support Services to the City of Pembroke Pines.

3. Professional Environmental and Support Services include the following:

a. FEMA Community Rating System (CRS) Verification Visit:

i. Compile and submit all the documentation to support credits received since the last verification visit.

ii. Compile, review and submit all the Elevation Certificates from within the Special Flood Hazard Area (SFHA) received by the City since the last verification visit and coordinate with builders/surveyors to get corrections where needed.

iii. Assist in complying with the recently enacted changes to the National Flood Insurance Program's (NFIP) as a result of the Final Nationwide Programmatic Environmental Impact Statement (NPEIS) pursuant to the National Environmental Policy Act of 1969 (NEPA). NEPA specifically directs federal agencies to thoroughly assess the environmental consequences of major federal actions that could significantly affect the environment. Because changes to the NFIP are considered to be a major federal action, FEMA undertook the preparation of a NPEIS.

iv. Coordinate with assigned ISO reviewer to schedule meeting(s) with appropriate City staff and site inspections.

v. Respond to requests for additional information and documentation.

b. NPDES MS4 Annual Reporting and Monitoring:

i. Compile, review and submit the annual report as required by the City NPDES MS4 permit.

ii. Conduct the 'maps review' and 'walk the WBID' as required within this fiscal year.

c. Pembroke Road Extension Support

i. Provide Coordination with the SFWMD, FDEP and the ACOE

ii. Process Surplus Land Request through the SFWMD, FDEP and any private landowners for the Pembroke Road Extension and in accordance with the Joint Participation Agreement (JPA) with the City of Miramar

1. Tasks in this agreement include coordination with the SFWMD, FDEP and any private landowners for the purchase of the land required for the roadway extension.
2. This task includes processing Surplus Land Requests through the governmental agencies.
3. Requesting wetlands determinations from Broward County for any lands required for the roadway.
4. Coordinating with owners of wetlands mitigation banks for the purchase of any wetlands mitigation credits required by the construction of the roadway.

d. Miscellaneous Environmental Support Services

i. Provide environmental support services as requested.

4. Pursuant to Section 35.18(C)(2) "Professional Services" of the Procurement Code, contracts for professional services involving peculiar skill, ability, experience or expertise, which are in their nature are not subject to the competitive bid process.

5. Calvin, Giordano & Associates, Inc. has vast knowledge of the City's permits, geography, Code of Ordinances and processes within the Public Services Department. For the past 5 years they have prepared all yearly reports and attended meetings (as the City Representative) with the Regulators for the 2 programs below:

a. FEMA National Flood Insurance Program's (NFIP) Community Rating System (CRS) is administered by the Insurance Services Office (ISO) in Florida. ISO Specialists are responsible for reviewing community requests for Community Rating System classification and verifying implementation of activities credited by the CRS. The ISO is responsible for ensuring we are following our Floodplain Management Ordinance (CHAPTER 152: FLOOD DAMAGE PROTECTION) and by doing so we are provided a discount on flood insurance for all City Residents. Yearly reports are required as well as preparation for visits from ISO representatives. The NFIP CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum NFIP requirements. As a result, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community actions meeting the three goals of the CRS.

i. Reduce flood damage to insurable property

ii. Strengthen and support the insurance aspects of the NFIP

iii. Encourage a comprehensive approach to floodplain management

b. The Florida Department of Environmental Protection issues the permit and Broward County Environmental Protection and Growth Management Department is the lead agency for the City's National Pollution Discharge Elimination System (NPDES) permit. The NPDES Stormwater Program regulates point source discharges from three potential sources: Municipal Separate Storm Sewer Systems (MS4s), construction activities and industrial activities. The NPDES Stormwater Program is responsible to minimize and prevent pollutants in stormwater discharges. Operators of these sources are required to obtain an NPDES permit before they can discharge stormwater. Stormwater runoff is generated from rain events that flow over land or impervious surfaces, such as paved streets, parking lots and building rooftops, and does not soak into the ground. The runoff picks up pollutants like trash, chemicals, oils, and dirt/sediment that can harm our rivers, streams and lakes. To protect these resources, municipalities, construction and industries activities, and others use stormwater controls, known as Best Management Practices (BMPs), to manage their runoff. The implementation of these practices, which include BMP design, performance and adaptive management requirements, prevent pollution by controlling it at its source. The City is a co-permittee with most other cities in Broward County to prevent pollution from entering out local lakes and waterways. Calvin, Giordano & Associates, Inc. have prepared our standard operating procedures (SOP's) and forms required to

document our adherence to the permit as well as gathered all data required from the Public Works employees performing inspections, applying chemicals and reviewing plans for DRC and permitting.

6. Compliance with these two programs and the Pembroke Road Extension project is vitally important to the residents of the City of Pembroke Pines.

7. The City Engineer has advised that the services outlined in the contract do not include the “services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.” Therefore, the “Consultant’s Competitive Negotiation Act” CCNA requirements do not apply to this Professional Services Contract.

8. The City Engineer is requesting to enter into a new agreement with Calvin, Giordano & Associates, Inc. for Pembroke Pines General Environmental Services in an annual amount not to exceed \$50,000.

9. This agreement will be for a two year period with two additional two year renewal options and may be terminated by either party for cause, or by either party for convenience, upon seven (7) days written notice.

10. Calvin, Giordano & Associates, Inc. is currently acting as the City’s Certified Floodplain Manager (CFM), as the City does not currently have staff with this certification. The City is currently in the process of the 5 year recertification and re-ranking of the National Flood Insurance Program (NFIP). Additionally, the Pembroke Road extension project is currently being ranked by the Metropolitan Planning Organization (MPO). The City is responsible to coordinate any Right-of-way acquisition needed. Right-of-way ownership is very important to the project readiness ranking. Furthermore, the City is also responsible for coordination and purchase of any mitigation required of the disturbed wetlands on the acquired land.

11. Request Commission to approve the professional services agreement with Calvin, Giordano & Associates, Inc. for General Environmental Services in an annual amount not to exceed \$50,000.

FINANCIAL IMPACT DETAIL:

a) Initial Cost: \$50,000, annual not-to-exceed amount.

b) Amount budgeted for this item in Account No: 100-541-6003-31100 (Professional Services - Engineering)

c) Source of funding for difference, if not fully budgeted: Not Applicable.

d) 5 year projection of the operational cost of the project: The new agreement will be for a two year period with two additional two year renewal options and may be terminated by either party for cause, or by either party for convenience, upon seven (7) days written notice.

	Year 1	Year 2	Year 3	Year 4	Year 5
Revenues	N/A	N/A	N/A	N/A	N/A
Expenditures	\$50,000	\$50,000	N/A	N/A	N/A

Net Cost	\$50,000	\$50,000	N/A	N/A	N/A
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e) Detail of additional staff requirements: Not Applicable.