

**AMENDMENT NO. 1 TO AGREEMENT FOR CONSULTANT SERVICES**

**BETWEEN THE**

**CITY OF VENICE, FLORIDA, AND**

**AMERICAN INFRASTRUCTURE DEVELOPMENT, INC.**

WHEREAS, on **July 12, 2016**, the parties entered into an Agreement for Consultant Services (“**AGREEMENT**”) whereby American Infrastructure Development, Inc. (the “**CONSULTANT**”) would perform professional services for the City of Venice, Florida (“**OWNER**”); and

WHEREAS, the **OWNER** wishes to authorize the **CONSULTANT** to perform professional services concerning additional Construction Administration Services and DBE Program Update as an **Amendment No. 1** to the **AGREEMENT** as more particularly described in the Scope of Services contained herein; and

WHEREAS, the **CONSULTANT** wishes to perform such professional services.

NOW THEREFORE, in consideration of the premises and mutual covenants contained in the **AGREEMENT** and in this Amendment, the parties agree as follows:

1. General description of the project – Provide additional Construction Administration Services for 40 additional days (from 210 to 250) of construction. Also included is the update to the DBE Program.
2. Scope of services to be performed – The **CONSULTANT** will provide these services as further described in Exhibits A and C.
3. Compensation to be paid – The total contract amount for the **AGREEMENT** will be adjusted as follows as described in Exhibits B and D:

Original Contract Amount	\$489,015.00
Additional CA Services	\$44,866.00
DBE Program Update	\$14,920.00
Total New Contract Amount	\$548,801.00

4. Time for completion – The **CONSULTANT** will complete this work within 250 calendar days from Notice-To-Proceed.
5. Additional meetings or services required beyond those identified in the scope of work will require a separate Amendment.

6. The parties acknowledge that issuance of a Notice to Proceed is contingent upon the City's receipt of grants from the Federal Aviation Administration and Florida Department of Transportation pertaining to the work described herein.
7. All other terms and conditions of the **AGREEMENT** shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment on the \_\_\_\_ day of \_\_\_\_, 2017.

**AMERICAN INFRASTRUCTURE  
DEVELOPMENT, INC.**

By: *Arbina C. Mohammadi*

**CITY OF VENICE, FLORIDA**

By: \_\_\_\_\_

**ATTEST:**

**Mayor**

\_\_\_\_\_  
**City Clerk**

**APPROVED AS TO FORM AND CORRECTNESS:**

\_\_\_\_\_  
**David Persson, City Attorney**

**EXHIBIT A  
SCOPE OF SERVICES**



**RECONSTRUCT PUBLIC USE AND MID-FIELD APRONS  
ADDITIONAL SERVICES  
AMENDMENT #1  
VENICE MUNICIPAL AIRPORT**

**Scope of Services**

The original Contract for this project included a scope and fee for Construction Administration (CA) and Resident Project Representative (RPR) Services for a duration of 210 calendar days. This duration was estimated prior to the design being completed and Bid Documents produced.

Based on the schedule shown in the Bid Documents, the Contract time is 250 calendar days. This Amendment #1 provides additional CA and RPR services for the difference of 40 calendar days in the construction schedule. Exhibit B provides the fees for these services.

Also, included in this Amendment is a proposal to provide Grant Compliance Services associated with the review of Weekly Certified Payrolls submitted by the Contractor and Sub-Contractors. This extensive effort, which includes a thorough review of the wage rates and deductions, was not included in the original contract. Exhibit B provide a scope and fee for this effort.

This Amendment also includes a proposal for updating the existing DBE Program to include projects included in the JACIP for the next three years. Exhibit C and D provide the scope and fees for the DBE Program Update.

**Project Schedule**

The consultant will proceed with the following schedule of proposed work after receiving a Notice to Proceed from the OWNER.

<b><u>Task</u></b>	<b><u>Days</u></b>
Additional Construction Phase Services	40
DBE Program Update	120
Review of Weekly Certified Payrolls	220

EXHIBIT B  
RECONSTRUCT PUBLIC USE AND MID-FIELD APRONS  
ADDITIONAL SERVICES  
AMENDMENT #1  
VENICE MUNICIPAL AIRPORT

TASK		Totals
<b><u>Basic Services (Lump Sum)</u></b>		
Phase 5 -	Additional Construction Phase Services (6 weeks)	\$6,382.00
Total Basic Services:		\$6,382.00
<b><u>Special Services</u></b>		
1	Review Weekly Payrolls	\$9,984.00
2	Additional RPR Services - 6 Weeks (Hourly)	\$28,500.00
Total Special Services:		\$38,484.00
<b><u>Expenses (Lump Sum)</u></b>		
	Reproduction	\$0.00
Total Expenses:		\$0.00
Total Construction Phase Services Fees (Not to Exceed):		\$44,866.00

EXHIBIT B  
RECONSTRUCT PUBLIC USE AND MID-FIELD APRONS  
ADDITIONAL SERVICES  
AMENDMENT #1  
VENICE MUNICIPAL AIRPORT

TASK		Project Principal	Project Manager	Senior Engineer	Engineer	Technician	Clerical	Totals
		\$192.00	\$180.00	\$159.00	\$125.00	\$63.00	\$59.00	
Phase 5 - Additional Construction Phase Services (6 weeks)								
1	Coordinate with Owner		6				2	8
2	Coordinate with Subconsultants		4	2			4	10
3	Prepare a Construction Management Plan							0
4	Prepare for and Attend Pre-Construction Conf							0
5	Review Shop Drawings/Submittals							0
6	Periodic Site Visits (2 additional)		8					8
7	Weekly Progress Meetings (6 Weeks)		4	4				8
8	Prepare Change Orders							0
9	Review Test Results		2	2				4
10	Review Periodic Payment Requests			2			2	4
11	Perform Final Inspection/Prepare Punch list (2 Visits)							0
12	Assist in Project Closeout							0
Total Labor Hours:		0	24	10	0	0	8	42
Total Labor Costs:		\$0.00	\$4,320.00	\$1,590.00	\$0.00	\$0.00	\$472.00	\$6,382.00
Total Fees (Lump Sum):								\$6,382.00

EXHIBIT B  
RECONSTRUCT PUBLIC USE AND MID-FIELD APRONS  
ADDITIONAL SERVICES  
AMENDMENT #1  
VENICE MUNICIPAL AIRPORT

TASK	Project Principal	Project Manager	Senior Engineer	Engineer	Technician	Clerical	Total Hours	Total Dollars
	\$192.00	\$180.00	\$159.00	\$125.00	\$63.00	\$59.00		

**Special Services**

1	Review Weekly Payrolls		24			96		\$9,984.00
4	Additional RPR Services - 6 Weeks (Hourly)		6 Weeks @	50	hours @	\$95.00		\$28,500.00

**Total Fees - Special Services (LS or NTE)**

**\$38,484.00**

**EXHIBIT C**  
**SCOPE OF SERVICES**



**DISADVANTAGED AND SMALL BUSINESS ENTERPRISE PLANNING SERVICES**  
**FISCAL YEARS 2018 - 2020**  
**VENICE MUNICIPAL AIRPORT**

**SCOPE OF SERVICES**

This work assignment represents a plan-in-progress for the purpose of maintaining compliance with federal grant assurances and remaining eligible for federal and state funding, the City of Venice as the Sponsor of the Venice Municipal Airport, must comply with all standards of Federal Code of Regulations relating to the participation of socially and/or economically disadvantaged individuals or organizations in the public procurement process. The US Department of Transportation's (DOT) Disadvantaged Business Enterprise (DBE) program as outlined in 49 CFR Part 26 provides a "vehicle for increasing the participation of Minority Business Enterprises (MBE) in state and local procurement." Thus, state and local transportation agencies which receive federal funding via the Federal Highway Administration (FHWA), Federal Aviation Administration (FAA) and/or Federal Transit Administration (FTA) are required to establish an approved DBE program, an annual goal, and project specific goals in addition to providing post award oversight and recording actual DBE participation which includes the annual submission of the Uniform Report of Actual DBE Participation and DBE Contractor data.

**PROJECT OBJECTIVE**

The objective of this project is to update the existing DBE Program to remain in full compliance with DOT established rules and regulations regarding the DBE program outlined in 49 CFR Part 26, in order to remain eligible for FAA Airport Improvement Program (AIP) and FDOT grant funding for airport related projects. The purpose of the DBE Program is to ensure that DBEs and Small Business Enterprises (SBEs), as defined in both 49 CFR Part 26 and Small Business Administration's (SBA) Business Development Program (8(a)), have an equal opportunity to receive and participate in DOT-assisted contracts.

As such, AID will develop a DBE Program for the Venice Municipal Airport, which will accomplish the following:

- Ensure nondiscrimination in the award and administration of DOT assisted contracts.
- Create opportunities in which DBEs and SBEs can compete fairly for DOT assisted contracts.
- Ensure the DBE program is narrowly tailored in accordance to applicable law.
- Ensure that only firms that fully meet 49 CFR Part 26 and SBA eligibility standards are permitted to participate as DBEs and SBEs.
- Help remove barriers to participation of DBEs and SBEs in DOT assisted contracts.

## EXHIBIT C SCOPE OF SERVICES



- Provide post award oversight and increased recipient accountability with regard to DBE and SBE participation.
- Assist in the development of firms that can compete successfully in the marketplace outside the DBE program.

It is important to note that both the Airport DBE Program and established goals are based on planned airport projects likely to obtain FAA and Florida Department of Transportation (FDOT) Aviation Office funding only. Goals established here do not reflect the likely DBE participation associated with non-airport related projects. Separate goals and contract requirements are established based upon each operating administration's anticipated funding and likely projects. Therefore, the goals created in this document cannot and should not be used to establish the DBE requirements for planned Federal Highway Administration or Federal Transit Administration funded projects.

### PROGRAM ELEMENTS

#### **ELEMENT 1: Revise Disadvantaged Business Enterprise Program**

Airports that anticipate federal funding must submit a revised DBE Program to include the revised project, contract, and overall three (3) year goal calculations in addition to a small business enterprise program, to their respective FAA Civil Rights Office for review and approval. Therefore, the tasks and elements included herein are to provide compliance with regulations and assurances outlined in 49 CFR Part 26.

##### **TASK 1: Coordination and Data Collection**

Data collection will include historical DBE and non-DBE participation at Venice Municipal Airport, public airports within the established market area, local and regional disparity study data, as well as local and regional small business enterprise information. AID will work with Airport staff to identify and prioritize planned development and anticipated funding at the airport.

To establish the three (3) year DBE project goals and small business set-aside program, AID will need to collect information related to planned development, which is likely to occur at the airport during fiscal years (FYs) 2018 through 2020 (October 1, 2017-September 30, 2020), wherein Federal and State funding are anticipated. This will require meetings/conference calls with Airport staff, the FAA Airport District Office (ADO), and the FDOT staff, as well as current consultants/contractors to determine project priorities and likely funding. It is important to note that DBE participation is required for all federal grant funding that exceeds \$250,000 in a given fiscal year, whether provided through the FAA



## EXHIBIT C SCOPE OF SERVICES



AIP program or through a State Program. All airport projects are likely to receive FDOT funding, either in conjunction with FAA AIP funding or FDOT only funding that exceeds the established \$250,000 threshold, are to be evaluated as part of the DBE and SBE program.

### **TASK 2: Establish DBE Goals, Small Business Set-Asides, Good Faith Efforts, and Counting**

It is important to note that project “set-asides” are associated with the small business program only because they are based upon race and gender neutrality. Set-asides and/or quotas will not be used in any way in the administration of the disadvantaged business enterprise portion of the program or in association with development of the overall DBE goal, project, and contract goals.

#### **Task 2.1: Establish Market Area (DBE and SBE), including Historical Participation, and Availability of DBEs and SBEs**

As part of the three step process outlined in 49 CFR Part 26.51, AID will:

1. Establish the Airport’s normal market area based upon information on similar projects where 70 to 75 percent of historical contract dollars were spent.
2. Identify the different types of work and associated NAICS/SIC Codes based upon work anticipated to occur during the three (3) year goal period (FYs 2018-2020, October 1, 2017 through September 30, 2020).
3. Identify DBE and non-DBE contractors and sub-contracts within the market area ready, willing and able to accommodate DOT-assisted project demand requirements utilizing the most recent FDOT DBE Directory, FAA DBE-Connect System, as well as local data.
4. Obtain historical information on DBE/SBE participation on similar projects, including reviewing participation at other public airports within the region in addition to local disparity studies in order to determine historical race/gender-conscious and race/gender-neutral participation.

Further, to support bidders “Good Faith Effort” requirements (49 CFR Part 26.53), AID will develop a contact list of qualified DBE contractors based upon planned projects in the established airport market area to encourage contractors to take all necessary and reasonable steps to secure certified DBE participation. Further, bidders should also be encouraged to look beyond the list provided, including consulting the FDOT’s list of Unified Certification Program (UCP) certified DBE firms and small business enterprises to make a reasonable good faith effort.

**EXHIBIT C**  
**SCOPE OF SERVICES**



**Task 2.2: Establish Individual DBE Project and Contract Goals, including Race-Conscious and Race-Neutral Participation for Fiscal Years 2018 through 2020**

Incorporation of a contract DBE goal is a race/gender conscious method of obtaining DBE participation. Race/Gender-Neutral measures/programs are those programs used to assist all small businesses and include gender-neutrality. Race/Gender-conscious programs/measures are those that are specifically focused on assisting only DBE firms, including women-owned DBE firms. Since sponsors must strive to meet the maximum feasible portion of their overall goal using race/gender neutral means, sponsors may not apply race/gender conscious goals (contract goals); unless they can reasonably demonstrate that they will not meet their overall goal using race/gender neutral means only.

Contract goals will be established for federally and state funded projects with grants of \$250,000 or greater that have subcontracting opportunities, and will reflect participation by willing, able, and available DBEs within the established market area. Using the three step process established in 49 CFR Part 26.51, AID will:

1. Determine the base figure for available DBEs relative to all available firms for each anticipated federally funded project that have subcontracting possibilities. This includes developing a weighted calculation for each project based upon the percentage work types, divided by the number of DBE firms by the number of all firms to establish a base figure for the market area.
2. Each base goal will be adjusted if required using historic information, availability of certified DBE firms to perform the work, any relevant disparity studies as well as any other data that would provide a better measure as to the likely percentage of work that DBEs would likely obtain in the absence of discrimination.
3. A race/gender neutral component will be developed for each project goal using historical participation obtained on similar projects as well as local disparity information if available. According to 49 CFR Part 26.53, only the race/gender conscious value of the project contract goal may be advertised.

**Task 2.3: Establish Overall three (3) year DBE Goal, including Race-Neutral and Race Conscious Participation**

This task includes the evaluation of the overall DBE construction goal for federally funded DOT assisted contracts for fiscal years 2018 through 2020, including that projection of the overall goal and associated fees likely to be met through race/gender neutral and race/gender conscious means. The establishment of the three (3) year overall goal including anticipated race/gender-neutral and conscious

## EXHIBIT C SCOPE OF SERVICES



participation is to be based upon the three year average of each calculated average annual goal. The establishment of the annual goal will be determined based upon the established project goals.

### **Task 2.4: Identify Projects and/or Elements Eligible for Small Business Set-Aside Program during three (3) Year Period (FYs 2018-2020)**

To foster small business participation on DOT-assisted projects, AID will consult with the Airport staff to determine what projects listed within the airport's current work program for FYs 2018 through 2020 would be appropriate for unbundling and/or set-aside. AID would also determine if the Sponsor wants to implement small business goals and/or a micro-small business program. This information will be used to identify likely small business enterprise participation during the three (3) year goal period.

Since small business participation will include all projects not just those which receive an AIP grant of \$250,000 or greater, AID will:

1. Validate the market area determined in Task 3.1 as it relates to small business participation on all projects.
2. Identify the different types of work and associated NAICS/SIC Codes based upon work anticipated to occur during the three (3) year goal period.
3. Identify any additional economically disadvantaged contractors based upon the small business or micro-business criteria set by the Sponsor.
4. Obtain any other historical information on SBE participation on similar projects at other public airports within the region and from information provided by local small business enterprise assistance organizations.

Although a small business goal is not required at this time, AID will use this information to provide a database/list to potential prime contractors in an effort to foster small business participation on airport related projects. Further, this information will allow the Airport to identify opportunities where additional small business participation could be achieved. Participation by a designated socially and economically DBE as defined in Part 26.39 is designated as race/gender neutral under this program.

### **TASK 3: Community Outreach/Public Participation**

FAA Civil Rights has placed additional effort on public participation and outreach as detailed in Section 26.45(g) especially for those regions, which have not recently completed a disparity study. Therefore, AID will review any DBE/SBE outreach programs

## EXHIBIT C SCOPE OF SERVICES



provided by the City of Venice and the Airport, as well as review any local disparity studies, if available. AID will also consult with minority, women's, and small business general contractors, community organizations, universities, business assistance centers, and other officials and organizations, including the FDOT, the City, and the County Government, in an effort to obtain data related to the availability of business opportunities, potential impediments to participation, as well as the Sponsor's efforts to establish a level playing field for DBE and SBE participation on airport-related projects.

Upon establishing the draft DBE overall three (3) year goal including anticipated race/gender conscious and race/gender neutral participation and the small business enterprise program including small business set-aside recommendations, this information along with the methodologies used will be submitted to various local and regional disadvantaged and small business organizations to determine if additional adjustments to the DBE goal, small business program, and associated methodologies is required to reflect current conditions.

A public meeting and face-to-face meetings are now required as part of this effort; therefore, once a draft program and goals are developed, AID will meet with local organizations, as well as hold a public meeting prior to the 45-day review period within the local area to obtain public input on the process and to identify any issues which may negatively impact small businesses from participating on airport projects.

### **TASK 4: Reports Preparation, Review and Submittal**

This task includes the preparation of a draft DBE Program including DBE Goal Report for FYs 2018 through 2020, Small Business Set-Aside Program, letters and comments received from minority, women, small business, and other related organizations, copies of the Sponsor's organizational chart, a list of relevant DBE contractors within the established market, in addition to all required legal paperwork and contract clauses for Sponsor and public review. The DBE Program, goals, methods of attainment, small business set-aside requirements, and other portions of the DBE and SBE program are subject to revision following a 45-day public review and comment period that will commence with the draft publication and advertisement of the plan. Following the 45 day review process, any comments will be addressed and incorporated and a revised plan including goals will be submitted to Airport Management, the City of Venice, and FAA Civil Rights Office for final approval.

## EXHIBIT C SCOPE OF SERVICES



### **TASK 5: Client and Agency Follow-up Coordination**

Following submittal of the report to the Sponsor and FAA, AID will contact the FAA approximately 60 days following the submittal to address any concerns or issues and obtain final FAA approval. Copies of the report will be maintained at AID's offices in both Tampa and Orlando, Florida.

### **ELEMENT 2: On-Call Coordination/Goal Compliance**

During the assignment, the Venice Municipal Airport or its Sponsor, the City of Venice, may choose to add supplemental tasks, as necessary, or at the recommendation of the FAA Airport Districts Office, the FAA Civil Rights, and/or the FDOT. The following supplemental tasks are not included in the basic scope of services and fees for **Element 1**. However, an estimate of time and materials is provided in **Exhibit B** for funding estimating purposes only.

Supplemental tasks under **Element 2** require formal written approval to begin, and these services will be provided on a time and materials basis in amounts to be determined at the time of authorization.

### **TASK 1: Goal Compliance**

The Venice Municipal Airport must conduct annual reviews of its DBE goal and program for changes that may warrant a modification of the overall goal (e.g., change in projects planned, anticipated funding, or change in project priorities and costs). In order to see that the program is administered in a narrowly tailored manner as required by the DBE rule, the Sponsor must adjust contract goals to reflect the current status of their effort to meet the overall goal. Examples include:

1. If after two (2) years into program, the Sponsor discovers that DBE participation to date exceeds the originally projected value, the Sponsor needs to lower the contract goal so that the overall DBE goal is not exceeded at the end of the three (3) year period.
2. If after two (2) years, the Sponsor discovers that the DBE participation to date is less than originally projected, the Sponsor needs to raise the contract goal in order to meet the overall DBE goal at the end of the three (3) year period.
3. If during the course of the three (3) year period, the Sponsor meets the overall DBE goal; all future projects within the remaining three (3) year period should be based only on race/gender neutral means. Therefore, the Sponsor may not apply contract goals in this case.

Any modifications must be submitted to the FAA, operating administration, for approval of any significant adjustment made to the goal during the three (3) year period based upon

## EXHIBIT C SCOPE OF SERVICES



changed circumstances. If such modifications are required, AID will be available to assist at the request of the Airport and Sponsor as needed.

### **TASK 2: On-Call Coordination**

AID will respond to any additional Sponsor needs as required including presentations to staff and City administration. AID will further address, as needed, any issues related to determination of the DBE goal, SBE opportunities, and DBE/SBE participation, as well as coordinate with the FAA Civil Rights, the FAA Airport District Office, and the Sponsor in order to maintain compliance with regard to current and future funding and grant assurance requirements.

### **PROJECT SCHEDULE**

This project will begin immediately following the issuance of the Notice to Proceed. Copies of all documents will be submitted to the Sponsor/Airport at least two (2) weeks prior to the dates listed above, if not earlier, for review and comment.

The three (3) year Overall Goal (FYs 2018-2020) and Small Business Set-Asides each require a 30-day public review and 45-day public comment period. The comment period will begin following advertisement of the program in the local newspaper, minority reports and Sponsor's website, if applicable. AID will incorporate and respond to any relevant comments, and submit a final draft copy of the report to the Airport's DBE Liaison Officer. Upon approval by the DBE Liaison Officer, a signed copy of the report which must include an actual copy of the public advertisement(s) and any relevant public comments will be submitted to the FAA Civil Rights Office, Atlanta FAA Regional Headquarters, and Orlando Airport District Office for review and approval.

Any changes required by the FAA associated with the FYs 2018 through 2020 Overall DBE Goal Report, Small Business Enterprise Program, and/or FY 2017 Actual DBE/SBE Participation will be performed by AID and resubmitted to both the City of Venice DBE Liaison Officer and FAA for final acceptance. Copies of all reports will be maintained in both hard and electronic formats at AID's Tampa, FL office.

Description	Project Principal	Project Manager	Senior Engineer	Planner	Senior Designer	Clerical	Totals
	\$192.00	\$180.00	\$159.00	\$125.00	\$96.00	\$59.00	

**Element 1 - Revise Disadvantaged Business Enterprise Program**

Task							
1	Coordination and Data Collection				10	2	12
2	Establish DBE Goals, Small Business Set-Aside, Good Faith Efforts and Counting						
2.1	Establish Market Area (DBE and SBE), including Historical Participation, and Availability of DBEs and SBEs				10		10
2.2	Establish Individual DBE Project and Contract Goals, including Race-Conscious and Race-Neutral Participation for Fiscal Years 2018 through 2020				20		20
2.3	Establish Overall 3-year DBE Goal, including Race-Neutral and Race Conscious				6		6
2.4	Identify Projects and/or Elements Eligible for Small Business Set-Aside Program				12		12
3	Community Outreach/Public Participation				16		16
4	Reports Preparation, Review and Submittal		4		20	4	28
5	Client and Agency Follow-up Coordination		2		4		6
Total Labor Hours:		0	6	0	98	0	110
Total Labor Costs:		\$0.00	\$1,080.00	\$0.00	\$12,250.00	\$0.00	\$13,684.00

**Element 2 - On-Call Coordination/Goal Compliance**

Task							
1	Goal Compliance				4	2	6
2	On-Call Coordination				4	2	6
Total Labor Hours:		0	0	0	8	4	12
Total Labor Costs:		\$0.00	\$0.00	\$0.00	\$1,000.00	\$236.00	\$1,236.00

**Total Fees (Lump Sum):**

**\$14,920.00**