

RESOLUTION No. 2010-07-1189

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE ASSIGNMENT OF THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES TO B.E.A. ARCHITECTS, INC. TO ASSIST WITH THE BIDDING PROCESS FOR NORTH DADE OPTIMIST PARK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on April 27, 2005, the City of Miami Gardens awarded B.E.A. International Corporation a continuing five (5) year non-exclusive professional services agreement for architectural and engineering services, and

WHEREAS, B.E.A. International Corporation was selected as one of the three architectural firms for the Parks and Recreation Master Plan which included North Dade Optimist Park, and

WHEREAS, the City needs the assistance of the architect of record, B.E.A. International Corporation to respond to Request for Information questions, during the bidding phase for the completion of North Dade Optimist Park, and

WHEREAS, on December 31, 2009, the firm B.E.A. International Corporation will cease to provide services and the City will either have to procure said services elsewhere or assign this agreement to BEA Architects, Inc.

WHEREAS, City Staff is requesting that the City Council authorize the assignment of the professional services agreement to BEA Architects, Inc. to assist with the bidding process for North Dade Optimist Park,

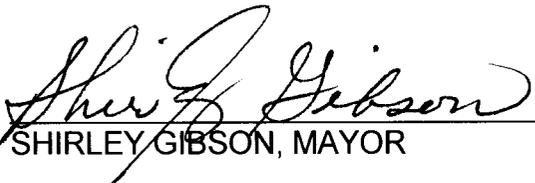
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorizes the assignment of the Professional Services Agreement for architectural and engineering services from B.E.A. International Corporation to BEA Architects, Inc.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON JANUARY 13, 2010.

  
SHIRLEY GIBSON, MAYOR

ATTEST:

  
RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ., CITY ATTORNEY

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Vice Mayor Gilbert  
SECOND BY: Councilwoman Watson

**VOTE: 6-0**

Resolution No. 2010-07-1189

Mayor Shirley Gibson	<u>  X  </u> (Yes)	<u>    </u> (No)
Vice Mayor Oliver Gilbert, III	<u>  X  </u> (Yes)	<u>    </u> (No)
Councilwoman Barbara Watson	<u>  X  </u> (Yes)	<u>    </u> (No)
Councilman Melvin L. Bratton	<u>  X  </u> (Yes)	<u>    </u> (No)
Councilman Aaron Campbell	<u>    </u> (Yes)	<u>    </u> (No)(not present)
Councilwoman Sharon Pritchett	<u>  X  </u> (Yes)	<u>    </u> (No)
Councilman André Williams	<u>  X  </u> (Yes)	<u>    </u> (No)



## City of Miami Gardens Agenda Cover Memo

<b>Council Meeting Date:</b>	January 13, 2010		<b>Item Type:</b>	<b>Resolution</b>	<b>Ordinance</b>		<b>Other</b>	
			<i>(Enter X in box)</i>		X			
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	Yes	No	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>		<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
	X		<b>Public Hearing:</b> <i>(Enter X in box)</i>		Yes	No	Yes	No
						X		
<b>Funding Source:</b>	<b>Capital Improvements</b>		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>		<b>Yes</b>		<b>No</b>	
							X	
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	Yes	No	<b>RFP/RFQ/Bid #:</b>					
		X						
<b>Sponsor Name</b>	<b>Dr. Danny Crew, City Manager</b>		<b>Department:</b>		<b>Procurement Division</b>			

**Short Title:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE ASSIGNMENT OF THAT CERTAIN PROFESSIONAL SERVICES AGREEMENT FOR ARCHITECTURAL AND ENGINEERING SERVICES TO B.E.A. ARCHITECTS, INC. TO ASSIST WITH THE BIDDING PROCESS FOR NORTH DADE OPTIMIST PARK; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE

**Staff Summary:**

**Background**

The City of Miami Gardens currently has a continuing non-exclusive professional services agreement for architectural and engineering services with B.E.A. International Corporation. The contract was awarded on April 27, 2005 for a term of five years. B.E.A. International Corp. was selected as one of three architectural firms for the Parks Master Plan which included North Dade Optimist Park.

**Current Situation**

The plans for North Dade Optimist Park are complete and ready for bid. The City needs assistance from the architect of record (B.E.A. International) during the bidding phase to address any Request for Information questions. The City was put on notice that as of December 31, 2009, the firm B.E.A. International Corp. will cease to provide services and the City will either have to procure said services elsewhere or assign our agreement to BEA Architects, Inc.

**ITEM J-8) CONSENT AGENDA  
RESOLUTION  
Agreement w/ B.E.A. Architectural Inc.**

BEA Architects Inc. received a court order authorizing the purchase of our agreement from BEA International Corp. The City's professional agreement contains an assignment clause whereby the Consultant may not assign the Agreement without the express written consent of the City.

**Proposed Action:**

Staff is requesting the City Council to approve the attached resolution authorizing the assignment of our professional services agreement to BEA Architects, Inc. located in Miami, Florida, for the non-exclusive professional services agreement through April 2010, in order to ensure assistance with the bidding process for North Dade Optimist Park.

**Attachment:**

**Attachment A: Consignment Agreement**

CONSENT TO ASSIGNMENT

WHEREAS, on April 27, 2005, the City of Miami Gardens ("City") awarded a non-exclusive professional services agreement for architectural and engineering services with B.E.A. International Corporation ("B.E.A. International"), and

WHEREAS, B.E.A. International has notified the City that it intends to assign the City's current contract with B.E.A. International to B.E.A. Architects, Inc., Inc. ("B.E.A. Architects"), and

WHEREAS, B.E.A. International has requested that the City consent to an assignment of the Agreement to B.E.A. Architects,

NOW THEREFORE, for good and sufficient consideration, the receipt of which is hereby acknowledged, the City of Miami Gardens, a party to that certain Contract, hereby consents as follows:

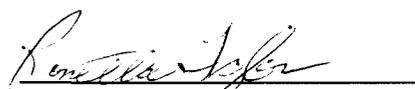
To the assignment of the Contract in its entirety to B.E.A. Architects, provided that B.E.A. International shall continue to be liable for any and all actions and omissions of B.E.A. International. Furthermore, B.E.A. Architects shall be liable for the full and faithful performance of all obligations, conditions, terms and provisions under the Contract. Under no circumstances shall this Consent be deemed an extension of the Contract.

**CITY OF MIAMI GARDENS**

  
\_\_\_\_\_  
Danny Crew, City Manager

2/05/10  
Date

**ATTEST:**

  
\_\_\_\_\_  
City Clerk  
Ronetta Taylor, MMC

**Approved as to form and legal  
Sufficiency**

  
\_\_\_\_\_  
Sonja K. Dickens, City Attorney