# MEMORANDUM

Agenda Item No. 11(A)(1)

TO: Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

DATE: September 23, 2003

SUBJECT: Resolution Ratifying the County Manager's Action in Authorizing Change Orders Pursuant to Sections 2-8.2.7 and 2-8.2.8 of the Code of Miami-Dade County

FROM: George M. Burgess
County Manager

## RECOMMENDATION

It is recommended that the Board adopt the attached resolution ratifying the County Manager's actions taken as of July 31, 2003 in expediting the change orders associated with the construction of the Performing Arts Center of Greater Miami ("PAC") identified on the attached schedule (Exhibit "A").

## BACKGROUND

Section 2-8.2.7 of the Code of Miami-Dade County, known as the "Expedite Ordinance", provides for expeditious treatment of professional service agreements and construction contracts associated with funded capital improvement projects identified in the approved annual capital budget (Proposed Capital Budget and Multi-Year Capital Plan) or projects subsequently included by a Board of County Commissioners resolution. PAC Change Order No. 48, authorized in concept by Resolution No. R-99-03 adopted by the Board on January 23, 2003, is being submitted for ratification based pursuant to Section 2-8.2.7 of the Code. The remaining fifty-seven (57) PAC Change Orders, including Change Order No. 47, which was voided and not used, are presented for ratification pursuant to Section 2-8.2.8 of the Code of Miami-Dade County, "County Manager's authority as to contract relating to construction of Performing Arts Center of Greater Miami." Section 2-8.2.8 of the Code affords the County Manager the authority to negotiate and settle contractor claims and issue change orders for additional work under the PAC construction contract and any amendments thereto within established limits and subject to Board ratification.

The Office of Capital Improvements Construction Coordination (CICC) processed the 58 qualifying change orders shown in Exhibit "A". Exhibit "B" is a listing of descriptions for the abbreviations utilized on the Exhibit "A". Pursuant to Administrative Order 3-39 approved by the Board on June 17, 2003, CICC shall administer the ratification process for expedite contracts, change orders and amendment or modifications, and shall prepare a ratification list and submit it to the BCC on a quarterly basis. The next ratification list will be presented for consideration in October 2003.

Assistant County Manager
Pedro G. Hernandez

# MEMORANDUM
(Revised)

**TO:** Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners

**DATE:** September 23, 2003

**FROM:** Robert A. Ginsburg
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(1)

**Please note any items checked.**

_____ **"4-Day Rule" ("3-Day Rule" for committees) applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.11(A)(1)
9-23-03

RESOLUTION NO. _____

RESOLUTION RATIFYING THE COUNTY MANAGER'S ACTION, AS AUTHORIZED BY SECTIONS 2-8.2.7 AND 2-8.2.8 OF THE CODE OF MIAMI-DADE COUNTY IN APPROVING PERFORMING ARTS CENTER OF GREATER MIAMI CHANGE ORDERS LISTED ON THE ATTACHED SCHEDULE

**WHEREAS,** this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference, ,

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board ratifies the actions of the County Manager, as authorized by Sections 2-8.2.7 and 2-8.2.8 of the Code of Miami-Dade County in approving the change orders associated with the construction of the Performing Arts Center of Greater Miami (PAC) on Exhibit "A" attached hereto and made a part hereof.

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

Dr. Barbara Carey-Shuler, Chairperson
Katy Sorenson, Vice-Chairperson

| | |
|---|---|
| Bruno A. Barreiro | Jose "Pepe" Diaz |
| Betty T. Ferguson | Sally A. Heyman |
| Joe A. Martinez | Jimmy L. Morales |
| Dennis C. Moss | Dorrin D. Rolle |
| Natacha Seijas | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 23rd day of September, 2003. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency.

R.A. Cuevas, Jr.

By:_____
Deputy Clerk

# Performing Arts Center of Greater Miami
# Project Ratification List
## As of 7/31/2003

**Exhibit A**

**Change Order** **Performing Arts Center Management Office**

| Project / Contract | Project Name | Location | Cost Estimate | Award Amount | Awarded To | CSBE / CBE / DBE Measures | | |
|---|---|---|---|---|---|---|---|---|
| PAC | Performing Arts Center | 1300 Biscayne Boulevard (Ballet/Opera House) 1330 North Bayshore Drive (Concert Hall) | $168,000,000.00 | $254,650,000.00 | Odebrecht Construction, The Haskell Company, and Ellis Don Construction | 10% | 0% | 0% |
| 9501 | | | **Adjusted Award** | $229,305,506.44 | | | | |

| Activity | | Amount | County Manager Approval | Clerk Date |
|---|---|---|---|---|
| Change Order | 1 | ($15,900.00) | 6/2/2003 | 6/6/2003 |
| C/O # 1 to # 12 - State of Florida Sales and Use Tax Savings on building materials, supplies and equipment utilizing Miami-Dade County's tax-exempt status. | | | | |
| Change Order | 2 | ($535,700.50) | 6/2/2003 | 6/6/2003 |
| Change Order | 3 | ($179,823.53) | 6/2/2003 | 6/6/2003 |
| Change Order | 4 | ($23,850.00) | 6/2/2003 | 6/6/2003 |
| Change Order | 5 | ($1,525,349.06) | 6/2/2003 | 6/6/2003 |
| Change Order | 6 | ($204,597.08) | 6/2/2003 | 6/6/2003 |
| Change Order | 7 | ($2,053,529.50) | 6/2/2003 | 6/6/2003 |
| Change Order | 8 | ($63,644.50) | 6/2/2003 | 6/6/2003 |
| Change Order | 9 | ($20,652.50) | 6/2/2003 | 6/6/2003 |
| Change Order | 10 | ($76,906.00) | 6/2/2003 | 6/6/2003 |
| Change Order | 11 | ($18,979.80) | 6/2/2003 | 6/6/2003 |
| Change Order | 12 | ($50,067.50) | 6/2/2003 | 6/6/2003 |
| Change Order | 13 | $44,964.00 | 6/11/2003 | 6/13/2003 |
| C/O # 13 - To furnish and install adequate support for the building at the Ballet/Opera House and Concert Hall sites. | | | | |
| Change Order | 14 | $0.00 | 6/11/2003 | 6/13/2003 |
| C/O # 14 - Value Engineering (Deleted Work) for the amount of ($1,780) to provide victaulic flexible coupling in lieu of pipe flexible connectors at Chillers. This is part of the total proposed Deleted Work of $591,289. | | | | |



Prepared by: Office of Capital Improvements Construction Coordination

# Performing Arts Center of Greater Miami
## Project Ratification List
## As of 7/31/2003

**Exhibit A**

| Activity | | Amount | County Manager Approval | Clerk Date |
|---|---|---|---|---|
| Change Order | 15 | $0.00 | 6/11/2003 | 6/13/2003 |

C/O # 15 - Value Engineering (Deleted Work) for the amount of ($20,481) to delete duct liner in stair and elevator pressurization ductwork. This is part of the total proposed Deleted Work of $591,289.

| | | | | |
|---|---|---|---|---|
| Change Order | 16 | $0.00 | 6/11/2003 | 6/13/2003 |

C/O # 16 - Value Engineering (Deleted Work) for the amount of ($22,000) for electrical value engineering items. This is part of the total proposed Deleted Work of $591,289.

| | | | | |
|---|---|---|---|---|
| Change Order | 17 | $0.00 | 6/11/2003 | 6/13/2003 |

C/O # 17 - Value Engineering (Deleted Work) for the amount of ($1,444) to re-engineer column C2 which was in conflict with required clearances on the first floor. This is part of the total proposed Deleted Work of $591,289.

| | | | | |
|---|---|---|---|---|
| Change Order | 18 | $0.00 | 7/22/2003 | 7/22/2003 |

C/O # 18 - Value Engineering (Deleted Work) for the amount of ($30,877) to delete a portion of the roof top planters and associated landscape and irrigation from the Southwest corner Concert Hall at the Box and Second Tiers along Biscayne Boulevard. This is part of the total proposed Deleted Work of $591,289.

| | | | | |
|---|---|---|---|---|
| Change Order | 19 | $7,149.00 | 6/11/2003 | 6/13/2003 |

C/O # 19 - To replace existing slab on grade with new concrete slab at Sears Tower ground floor.

| | | | | |
|---|---|---|---|---|
| Change Order | 20 | $16,135.00 | 6/11/2003 | 6/13/2003 |

C/O # 20 - To rescind and accept value engineering proposal prior to the Guaranteed Maximum Price (GMP) (Pre-construction Phase), which allows to reincorporate additional light fixture mock-ups and samples.

| | | | | |
|---|---|---|---|---|
| Change Order | 21 | ($1,167,000.00) | 6/5/2003 | 6/6/2003 |

C/O # 21 to # 33 - State of Florida Sales and Use Tax Savings on building materials, supplies and equipment utilizing Miami-Dade County's tax-exempt status.

| | | | | |
|---|---|---|---|---|
| Change Order | 22 | ($270,000.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 23 | ($202,525.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 24 | ($26,463.50) | 6/5/2003 | 6/6/2003 |
| Change Order | 25 | ($23,883.81) | 6/5/2003 | 6/6/2003 |
| Change Order | 26 | ($18,386,814.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 27 | ($186,950.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 28 | ($1,103,696.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 29 | ($152,000.00) | 6/5/2003 | 6/6/2003 |

# Performing Arts Center of Greater Miami
## Project Ratification List
## As of 7/31/2003

**Exhibit A**

| Activity | | Amount | County Manager Approval | Clerk Date |
|---|---|---|---|---|
| Change Order | 30 | ($19,358.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 31 | ($68,740.00) | 6/6/2003 | 6/6/2003 |
| Change Order | 32 | ($18,884.05) | 6/5/2003 | 6/6/2003 |
| Change Order | 33 | ($213,256.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 34 | $1,036.00 | 6/11/2003 | 6/13/2003 |

C/O # 34 - To furnish and install adequate support for the building structural elements at the Concert Hall site.

| | | | | |
|---|---|---|---|---|
| Change Order | 35 | $1,203.00 | 6/11/2003 | 6/13/2003 |

C/O # 35 - To construct a Pier type that is necessary to support the steel structure above at the Ballet/Opera House site.

| | | | | |
|---|---|---|---|---|
| Change Order | 36 | ($51,901.00) | 6/5/2003 | 6/6/2003 |

C/O # 36 and # 37 - State of Florida Sales and Use Tax Savings on building materials, supplies and equipment utilizing Miami-Dade County's tax-exempt status.

| | | | | |
|---|---|---|---|---|
| Change Order | 37 | ($13,513.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 38 | $39,430.00 | 6/11/2003 | 6/13/2003 |

C/O # 38 - To provide and install all work on the GMP RFI Exclusion List.

| | | | | |
|---|---|---|---|---|
| Change Order | 39 | $1,167.00 | 6/30/2003 | 6/30/2003 |

C/O # 39 -To increase a sound and communication conduit from 2 1/2 inches to 3 inches to facilitate the proper functioning of the sound control devices.

| | | | | |
|---|---|---|---|---|
| Change Order | 40 | $0.00 | 7/2/2003 | 7/8/2003 |

C/O # 40 - Value Engineering (Deleted Work) for the amount of ($9,169.27) to change all bronze finishes from the Concert Hall water coolers to stainless steel. This is part of the total proposed Deleted Work of $591,289.

| | | | | |
|---|---|---|---|---|
| Change Order | 41 | $0.00 | 6/11/2003 | 6/13/2003 |

C/O 41# - Value Engineering (Deleted Work) for the amount of ($5,200) for reduction in size of electrical cables that service the emergency generator. This is part of the total proposed Deleted Work of $591,289.

| | | | | |
|---|---|---|---|---|
| Change Order | 42 | $2,812.00 | 6/11/2003 | 6/13/2003 |

C/O # 42 - To provide and install empty PVC Conduit stub ups at Ballet/Opera House stage compensating lifts and sound mix lift and Concert Hall sound mix lift.



Prepared by: Office of Capital Improvements Construction Coordination

# Performing Arts Center of Greater Miami
## Project Ratification List
## As of 7/31/2003

**Exhibit A**

| Activity | | Amount | County Manager Approval | Clerk Date |
|---|---|---|---|---|
| Change Order | 43 | $0.00 | 6/11/2003 | 6/13/2003 |

C/O # 43 - Value Engineering (Deleted Work) for the amount of ($1,101) to clarify a discrepancy found in the Electrical Drawings. This is part of the total proposed Deleted Work of $591,289.

| | | | | |
|---|---|---|---|---|
| Change Order | 44 | $0.00 | 6/11/2003 | 6/13/2003 |

C/O # 44 - Value Engineering (Deleted Work) for the amount of ($100) for deletion of wiring and reduction in size of a hot water pump in the Concert Hall. This is part of the total proposed Deleted Work of $591,289.

| | | | | |
|---|---|---|---|---|
| Change Order | 45 | $247,752.00 | 7/11/2003 | 7/11/2003 |

C/O # 45 - To change approximately 4,804 S. F. of segmented stone at main lobbies of the Ballet/Opera House and Concert Hall to curve stone at donor wall locations.

| | | | | |
|---|---|---|---|---|
| Change Order | 46 | $1,927.00 | 6/30/2003 | 7/2/2003 |

C/O # 46 - To provide additional equipment as required to relocate the existing fire hydrant at STA 71+99 along North Bayshore Drive to STA 72+02 due to conflicts with fiber optic lines and Florida Power and Light's street light power line.

| | | | | |
|---|---|---|---|---|
| Change Order | 47 | $0.00 | | 7/3/2003 |

C/O # 47 - Voided. C/O not used.

| | | | | |
|---|---|---|---|---|
| Change Order | 48 | $1,184,015.03 | 6/30/2003 | 7/7/2003 |

C/O # 48 - To add back the compensating lift of the Ballet/Opera House Stage deferred during the Pre-construction Phase. Per Resolution No. R-99-03 approved on 1/23/03, the Board authorized execution of Amendment No. 3 to the Operating Management Agreement between Miami-Dade County and the Performing Arts Center Trust, Inc. (PACT). The PACT will provide the County $1.135 million by 10/1/03, to reimburse the Contingency Fund for the installation of compensating stage lifts for the Ballet/Opera House. The difference of approximately $49,000 will be reimbursed from the Contingency Fund.

| | | | | |
|---|---|---|---|---|
| Change Order | 50 | ($30,178.01) | 6/5/2003 | 6/6/2003 |

C/O # 50 to # 59 - State of Florida Sales and Use Tax Savings on building materials, supplies and equipment utilizing Miami-Dade County's tax-exempt status.

| | | | | |
|---|---|---|---|---|
| Change Order | 51 | ($48,676.54) | 6/5/2003 | 6/6/2003 |
| Change Order | 52 | ($308,998.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 53 | ($640,000.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 54 | ($289,780.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 55 | ($44,233.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 56 | ($178,834.88) | 6/5/2003 | 6/6/2003 |
| Change Order | 57 | ($53,315.47) | 6/5/2003 | 6/6/2003 |



Prepared by: Office of Capital Improvements Construction Coordination

# Performing Arts Center of Greater Miami
## Project Ratification List
## As of 7/31/2003

**Exhibit A**

| Activity | | Amount | County Manager Approval | Clerk Date |
|---|---|---|---|---|
| Change Order | 58 | ($4,566,250.00) | 6/5/2003 | 6/6/2003 |
| Change Order | 59 | ($57,833.36) | 6/5/2003 | 6/6/2003 |

**Total Number of Change Order** **58**

**Total Dollar Value Change Order** **($31,344,493.56)**



Prepared by: Office of Capital Improvements Construction Coordination

| Abbreviation | Description |
|---|---|
| C/O # | Change Order Number |
| CBE | Community Business Enterprise |
| CSBE | Community Small Business Enterprise |
| C2 | Reference Point on Drawing (S-sk-A001) |
| DBE | Disadvantage Business Enterprise |
| GMP | Guaranteed Maximum Price |
| No. or # | Number |
| PAC | Performing Arts Center of Greater Miami |
| PVC | Polyvinyl Chloride |
| RFI | Request For Information |
| S.F. | Square Feet |
| STA | Station |