



MEMORANDUM

Agenda Item No. 7(D)(1)(K)

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

DATE: January 20, 2004

SUBJECT: Operation and Management of a Materials Handling Facility at the North Dade Landfill Facility, Change Order Number One. Project No. C02-DERM-EEC Contract No. CF002121, for WRS Infrastructure and Environmental, Inc.


FROM: George M. Burgess
County Manager

The attached Change Order Number One of a contract between WRS Infrastructure and Environmental, Inc. and Miami-Dade County has been prepared by the Department of Environmental Resources Management (DERM) / Division of Recovery and Mitigation (DORM) and is recommended for approval pursuant to the Expedite Ordinance Number 00-104.

CHANGE ORDER No.: One

PROJECT No: C02-DERM-EEC

CONTRACT No.: CF002121

PROJECT LOCATION: Miami-Dade County Solid Waste Department, North Dade Landfill Facility, East Cell South. This inactive Cell was designated to stage sediment materials from various FEMA dredging projects throughout Miami-Dade County.

PROJECT DESCRIPTION: The purpose of this contract is to provide for the operation and management of the Materials Handling Staging Dewatering Facility, and to prevent negative environmental impacts such as cross-contamination, mixing sediment piles from different dredging projects, or to interfere with other

County operations located nearby. Guidelines stated in this Contract are not intended to supersede existing environmental laws and regulations. The Contractor and all subcontractors shall comply with all applicable federal, state and local environmental laws and regulations including, but not limited to the United States Environmental Protection Agency (EPA), the Florida Department of Environmental Protection (FDEP), The Solid Waste Management Department (SWMD), and the Miami-Dade County Department of Environmental Resources Management (DERM). Under this Contract, the Contractor shall set-up, operate, and maintain the Materials Handling Staging Dewatering Facility for receiving, handling, and drying of dredged materials as quickly and efficiently as possible. The dredged materials shall be dewatered sufficiently to pass the EPA-Method 9095 Paint Filter Test prior to disposal at an approved landfill facility. In accordance with local, state, and federal regulatory regulations, the Contractor is responsible for the proper disposal of water obtained from the drying/dewatering operations of the sediments.

PRIME CONTRACTOR:

WRS Infrastructure and Environmental, Inc.

COMPANY PRINCIPAL:

Charlie Cox – Chairman and CEO
Luke Frantz – President and Chief Operating Officer
Brian Finn – Contoller
Mike Copeland – Vice President
Todd Milne – Vice President, Director of ID/IQ Operations
Alex Sarandrea – Program Manager

INSPECTOR GENERAL FEE:

\$4,119.76

CONTRACT PERIOD:

One year contract with the County's option to renew for one (1) additional year.

**CERTIFIED AS COMMUNITY
SMALL BUSINESS ENTERPRISE
(CSBE) AT TIME OF AWARD:**

No

2

COMPANY QUALIFIER: Luke Frantz, P.E., President, and Chief Operating Officer

LOCATION OF COMPANY: 10025 NW 116th Way, Suite 12
Miami, Florida 33178

YEARS IN BUSINESS: Seventeen (17) years

CSBE MEASURE AT AWARD: No measures

CURRENT CSBE STATUS: None

**PREVIOUS CONTRACTS WITH
COUNTY DURING THE PAST
FIVE YEARS:** None

ORIGINAL COST ESTIMATE: N/A

ORIGINAL CONTRACT AMOUNT: \$1,647,903.40

CONTINGENCY FUND USAGE (WHEN CHANGE ORDER WAS INITIATED):	Beginning Balance:	\$ 149,809.40
	Total Amount Used:	\$ 197,213.27

CONTINGENCY FUND USAGE (TO DATE):	Total Amount Used:	\$ 197,213.27
	Ending Balance:	(\$ 47,403.87)

PREVIOUS CHANGE ORDER: None

**CHANGE ORDER
RECOMMENDATION:** The purpose of this Change Order Number One is to add six (6) new pay items (items 9 through 14) to the Contract to allow the contractor to fulfill all contractual requirements and provide additional services at the North Dade Landfill's Material Handling Facility.

**CLASSIFICATION FOR
CHANGE ORDER:**

- Regulatory Change
- Other Agency Request Change
- Design Errors Change
- Design Omission Change
- County Requested Change
- Unforeseen/Unforeseeable Change
- Other: To increase the contract amount by 10% in accordance with the Expedite Ordinance.

**JUSTIFICATION FOR
CHANGE ORDER:**

In the best interest of the County the majority of the proposed increase in this change order is to be used prospectively to be able to achieve close to \$4 million savings in disposal fees for the remaining Federal Emergency Management Agency (FEMA) secondary canal dredging program. From the first 126 canal bids received for 32 canal projects starting in September 2002, the DERM was able to create a historical database showing a median unit cost for disposing canal sediments at a lined landfill of \$30 per ton. By the time the DERM regional staging site at the North Dade Landfill Facility (NDLF) was operational in April 2003, the DERM took the initiative and negotiated a much more competitive unit rate for disposal at \$23 per ton. This negotiated unit rate includes \$22 per ton paid as the tipping fee for the final disposal to a lined landfill (a pass-through to the WRS contract) plus a \$1 per ton administrative fee to WRS for the processing of these payments and the coordination of the disposal activities. It is estimated that a volume of 500,000 tons will be necessary to complete the FEMA secondary canal-dredging program; the new negotiated unit rate will result in the estimated savings previously stated above.

This Change Order Number One will add six (6) new pay items (items 9 through 14) to the Contract and allow WRS to fulfill all contractual requirements, for payment of sediment disposal fees and to provide additional services at the DERM regional staging site at the NDLF. The original contract for the NDLF staging site included language to allow the County to negotiate disposal fees to be paid to WRS as a pass-through cost to a final disposal lined landfill. However, a pay item was not included in the contract with a dollar amount at the time of bid.

The disposal of the estimated 500,000 tons of canal sediments at the new negotiated unit rate of \$22 per ton represents \$11,000,000 in tipping fees that would be projected to be administered by WRS as a pass-through cost (new pay item 9), plus \$1 per ton administrative fee representing \$500,000 to WRS (new pay item 10). As tipping fees are reimbursed by the County on as needed basis, performance and payment bond will be held in the sum of \$1,000,000 to cover invoices for a maximum of \$1,000,000 at any time.

The construction of a truck washing facility, installation of fixed scales and hauling routes clean up will be paid under existing pay items (Totaling \$294,389.40 including 10% allowance). The tire and debris transportation are new pay items 11 & 13, respectively, and their associated disposal fees are new pay items 12 & 14, respectively, that represent \$41,126 of this Change Order Number One. The total balance of \$335,515.40 will be bonded by WRS at 100%.

The final sediment quantity may vary and is not to be considered as a guaranteed amount to WRS. WRS will only receive payment for actual sediments handled as directed by the County. As with other related FEMA activities, the County will continue to look for other opportunities to negotiate in the future more competitive prices. Furthermore, the County has the option of exercising the more competitive prices in lieu of the unit rates already established herein.

**ADJUSTED CONTRACT
AMOUNT INCLUDING THIS
CHANGE ORDER:**

\$2,483,418.80 (Excluding \$11,000,000 that will be a pass-through cost for disposal fees administered by WRS)

**PERCENTAGE OF INCREASE
OR DECREASE OF THIS CHANGE
ORDER (FROM ORIGINAL
CONTRACT AMOUNT):**

(+) 51% (Excluding \$11,000,000 that will be a pass-through cost for disposal fees administered by WRS)

5

**PERCENTAGE OF INCREASE
OR DECREASE OF THIS
CHANGE ORDER (FROM
PREVIOUSLY ADJUSTED
CONTRACT AMOUNT:**

Not Applicable

**TOTAL PERCENT INCREASE
OR DECREASE FROM ORIGINAL
CONTRACT AMOUNT:**

(+) 51% (Excluding \$11,000,000 that will be a pass-through cost for disposal fees administered by WRS)

CONTRACT TIME:

One year contract with the County's option to renew for one (1) additional year.

NOTICE TO PROCEED DATE:

April 7, 2003

**ORIGINAL CONTRACT
COMPLETION DATE:**

April 6, 2004

**TIME EXTENSION ON PREVIOUS
CHANGE ORDER(S):**

Not Applicable

**TIME EXTENSION (THIS
CHANGE ORDER:**

Not Applicable

ACTUAL COMPLETION DATE:

N/A

USING AGENCY:

Department of Environmental Resources Management
Division of Recovery and Mitigation

MANAGING AGENCY:

Department of Environmental Resources Management
Division of Recovery and Mitigation

FUNDING SOURCE:

Federal Emergency Management Agency, State of Florida
Department of Community Affairs, and Miami-Dade
County.

6

**DEPARTMENT OF BUSINESS
DEVELOPMENT REVIEW:**

Yes

**ALLOWANCES/CONTINGENCY
ORDINANCE No. 00-65**

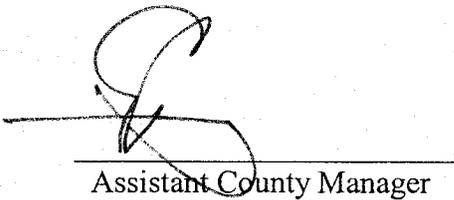
Within 10% guidelines (\$30,501.40), which does not include any portion of the \$11,500,000.00 diverted as a reimbursement and administrative fee to WRS.

**APPROVED AS TO LEGAL
SUFFICIENCY:**



Assistant County Attorney

Date: _____



Assistant County Manager



MEMORANDUM

(Revised)

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

DATE: January 20, 2004

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(D)(1)(K)

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. 7(D)(1)(K)
1-20-04

RESOLUTION NO. _____

RESOLUTION APPROVING CHANGE ORDER NUMBER ONE TO THE CONTRACT WITH WRS INFRASTRUCTURE AND ENVIRONMENTAL, INC., FOR OPERATION AND MANAGEMENT OF A MATERIALS HANDLING FACILITY AT THE NORTH DADE LANDFILL FACILITY, PROJECT NO. C02-DERM-EEC (DEPARTMENT OF ENVIRONMENTAL RESOURCES MANAGEMENT CONTRACT NO. CF002121)

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 finds in the best interest of the County to approve Change Order Number One, for Operation and Management of a Materials Handling Facility at the North Dade Landfill Facility, Project No. C02-DERM-EEC (Department of Environmental Resources Management Contract No. CF002121), with WRS Infrastructure and Environmental, Inc., adding six (6) new pay items, in substantially the form attached hereto and made a part hereof; and authorizing the County Manager to execute same for and on behalf of the County.

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 | Dorin D. Rolle |
| Natacha Seijas | Rebeca Sosa |
| Sen. Javier D. Souto | |

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2004. 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.

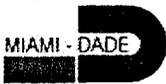
MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. HBS

Hugo Benitez

By: _____
Deputy Clerk



**MIAMI-DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT**

CHANGE ORDER NO. ONE PROJECT NO. CF 002121 DATE: _____

PROJECT TITLE: Operation and Management of a Material Handling Facility at the North Dade Landfill Facility

TO CONTRACTOR: WRS Infrastructure and Environmental, Incorporated

YOU ARE HEREBY REQUESTED TO MAKE FOLLOWING CHANGES IN THE PLANS AND SPECIFICATIONS FOR THIS PROJECT AND TO PERFORM THE WORK ACCORDINGLY, SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

contract amount by (+) \$11,835,515.40 Increase

JUSTIFICATION: The purpose of this Change Order Number One is to add six (6) new items to the Contract to allow the contractor to fulfill all contractual requirements and provide additional services at the North Dade Landfill's Material Handling Facility. Other items consist of the construction of a truck washing facility, installation of permanent scales, hauling routes clean up, tire and debris disposal and their associated disposal fees.

The parties hereby agree to all terms, conditions and stipulations of the attached memorandum from George M. Burgess, County Manager to Hon. Chairperson Barbara Carey-Shuler, Ed.D. and Members, Board of County Commissioners dated _____ which is incorporated herein in full by this reference.

Contractor hereby waives and releases the County of any and all liability for claims, additional costs, and any request for additional time arising out of the fulfillment of this contract and change order, from the date of contract award to and including execution of this change order.

SUMMARY OF CONTRACT AMOUNT

ORIGINAL CONTRACT AMOUNT	\$1,647,903.40
COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER	\$1,647,903.40
COST OF CONSTRUCTION CHANGES THIS ORDER	\$11,835,515.40
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	\$13,483,418.80
PERCENT INCREASE, THIS CHANGE ORDER <u>51% + \$11,000,000 as a pass-thru for disposal costs to lined landfill</u>	
TOTAL PERCENT INCREASE TO DATE <u>51% + \$11,000,000 as a pass-thru for disposal costs to lined landfill</u>	

EXTENSION OF CONTRACT TIME ALLOWED BY THIS CHANGE N/A CALENDAR DAYS TO N/A

CERTIFYING STATEMENT: *I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under the benefit of competitive bidding.*

COUNTY ATTORNEY'S OFFICE _____

SIGNATURE OF CONSULTING ARCHITECT OR ENGINEER _____

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER

ENVIRONMENTAL RESOURCES MANAGEMENT (DERM) DEPARTMENT	HDDREPDRAIN.DDE493.99031 FUNDS BUDGETED CODE	CERTIFIED BY (FIN. DIV.) _____
------------------------------------------------------------	-------------------------------------------------	--------------------------------

ACCEPTED BY: _____ APPROVED: _____
CONTRACTOR'S SIGNATURE DATE BUDGET DIRECTOR'S SIGNATURE DATE

Surety's SIGNATURE DATE MIAMI-DADE COUNTY, Florida
By its BOARD OF COUNTY COMMISSIONERS

RECOMMENDED: _____ By: _____
DIVISION CHIEF DATE COUNTY MANAGER

APPROVED: _____ ATTEST: _____
DEPUTY DIRECTOR DATE

APPROVED: _____ By: _____
DEPARTMENTAL DIRECTOR DATE DEPUTY CLERK

APPROVED: _____ APPROVED: _____
Department of Business Development DATE Capital Improv. Const. Coord. (CICC) DATE

*Prepare in Sets. (6 copies) Retain gold copy. Forward all other copies to Budget Department. Upon approval, Budget will forward all copies to the County Manager. County Manager will forward all copies to Clerk of the Board. Clerk of the Board will make final distribution. Supplemental 105.01-15 to be used for submitting detailed estimate.
105.01-14 Rev. 12/89 Metro-Dade/GSA-Mat. MGT.*

ALL COPIES MUST BE SIGNED

//



EXHIBIT "C"

Project No.: C02-DERM-EEC
 Project Name: Operations and Management of a Materials Handling Facility at the North Dade Landfill East Cell South
 Contractor: WRS Infrastructure and Environment, Inc.

Change Orders	Time Extension (Calendar Days)	Items Added	Increase / Decrease Amounts	BCC / County Manager Approval Dates / Status
One	0	5	\$11,835,515.40	In Progress
TOTALS:				
	0	5	\$11,835,515.40	

Original Contract Time (Calendar Days): 365
 Effective Notice to Proceed Date: April 7, 2003
 Original Contract Completion Date: April 6, 2004
 Time Extension (Approved Change Orders): N/A
 Calendar Days added by Option to Renew: 365
 Revised Completion Date: April 6, 2005
 Time Extension (This Change Order): N/A
 Revised Completion Date (Including this Change Order): April 6, 2005

Original Contract Amount: \$1,647,903.40

Approved Change Order Amounts:	\$0.00
Adjusted Contract Amount Prior to this Change Order:	\$1,647,903.40
Contract Amount Increase/Decrease this Change Order:	\$11,835,515.40
Adjusted Contract Amount Including this Change Order:	\$13,483,418.80

Contract Usage	Original Contract Amount and Approved Change Orders	Total Amount Paid (before Change Order)	Balance before Change Order	This Change Order	Balance after Change Order
Contract Items without Contingency	\$1,498,094.00	\$289,254.31	\$1,208,839.69	\$11,757,610.13	\$12,966,449.82
Contingency Amount	\$149,809.40	\$197,213.27	(\$47,403.87)	\$77,905.27	\$30,501.40
Items + Contingency	\$1,647,903.40	\$486,467.58	\$1,161,435.82	\$11,835,515.40	\$12,996,951.22

Contingency Usage

Original Contingency	Total Contingency Payments before Change Order	Value of contingency items being added as new contract pay items in this Change Order	Value to date of contingency items not included in this Change Order		Contingency Balance after Change Order
			through latest payment - Requisition	Pay Req. # 6	
\$149,809.40	\$197,213.27	\$77,905.27		\$119,308.00	\$30,501.40

Work Order Encumbrance

Total Work Orders Issued	Total Amount Encumbered (Includes Revised and Canceled Work Orders)	Completed and Paid	Encumbered Balance	Amount Unencumbered
1	\$0.00	\$486,467.58	(\$486,467.58)	\$1,647,903.40

Note: This data corresponds to the latest payment requisition.
 Req.: Pay Req. # 6

12

MIAMI-DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT
SUPPLEMENT

ESTIMATE OF COST TO ACCOMPANY CHANGE ORDER NO. : One DATE: October 9, 2003
 Project No. : C02-DERM-EEC
 Project Title: Operation and maintenance of a material handling facility at the North Dade Landfill
 CONTRACTOR: WRS Infrastructure & Environment, Inc.

ADDITIONAL ITEMS ADDED TO CONTRACT WITH UNIT PRICES

ITEM NO.	ITEM	UNIT	UNIT PRICE	CONTRACT WORK		ADDITIONAL WORK	
				Quantity	Amount	Quantity	Amount
1	Operation and Maintenance for stockpiled Dredged Spoils	L.S.	\$ 544,738.00	2	\$ 1,089,476.00	0.25	\$ 137,888.00
2	Procurement and Support Services	L.S.	\$ 61,469.00	2	\$ 122,938.00	0.87	\$ 53,400.00
3	Monthly Status Report	L.S.	\$ -	2	\$ -		
4	Project Management	L.S.	\$ 142,840.00	2	\$ 285,680.00	0.51	\$ 72,600.00
5	Closure of Facility	L.S.	\$ 544,738.00	0	\$ -		
6	Base Bid, Monthly (1850 tpd)	L.S.	\$ 61,469.00	0	\$ -		
7	Base Bid, Monthly Idle Time	L.S.	\$ -	2	\$ -		
8	Allowance Account *	L.S.	\$ 74,904.70	2	\$ 149,809.40	0.41	\$ 30,501.40
New Items							
9	Pass-through cost for disposal tipping fees of canal sediments	Ton	\$ 22.00			500,000.00	\$ 11,000,000.00
10	Administrative fee for handling disposal tipping fees of canal sediments	Ton	\$ 1.00			500,000.00	\$ 500,000.00
11	Transportation of tires	Truck	\$ 264.00			6.00	\$ 1,584.00
12	Disposal tipping fees for tires	Ton	\$ 75.00			100.00	\$ 7,500.00
13	Transportation of debris	Truck	\$ 264.00			28.00	\$ 7,392.00
14	Disposal tipping fees for debris	Ton	\$ 49.30			500.00	\$ 24,650.00
SUBTOTAL							\$ 11,835,515.40

* Does not include any portion of the \$11,500,000 diverted as a reimbursement and administrative fee to WRS

Prepared by: Frank Crespo

Checked by: Dorian K. Valdes, P.E.

105.01-15 METRO-DADE/GSA-MAT MGT. NOTE: Prepare in sets - 6 pages - Retain Gold copy.

12