

# Memorandum



**Date:** September 4, 2007

**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

Agenda Item No. 8(Q)(1)(C)

**From:** George W. Burgess  
County Mayor

**Subject:** Resolution Retroactively Authorizing County Mayor or His Designee to Negotiate and Execute Change Orders to Agreement Between Miami-Dade County and C.G. Chase Construction Management, Inc., ("Chase") for Construction of Cruise Terminals D & E., ("Project") in Amount Not to Exceed \$1,992,181 from Available, Unspent Project Funds

---

**This item was amended by the Transit Committee at its meeting of July 18, 2007 to: (i) correctly state the funding source in its Fiscal Impact/Funding Source section; and (ii) seek retroactive approval for a portion of the work listed on Exhibit A which needed to start prior to Board approval in order to obtain a Certificate of Occupancy.**

## **Recommendation**

It is recommended that the Board retroactively approve the accompanying resolution authorizing the County Mayor or his designee to negotiate and execute change orders to the Agreement between Miami-Dade County and C.G. Chase Construction Management, Inc., ("Chase") for the construction of Cruise Terminals D & E ("Project"), in an amount not to exceed \$1,992,181 from available, unspent Project funds initially allocated for other Project needs, to complete the Project and receive a Certificate of Occupancy. The authorized contract ceiling of \$71,448,299 remains unchanged; and no additional funds are being requested.

## **Scope**

The Port of Miami is located within District 5 – Chairman Bruno A. Barreiro. The impact of this agenda item is countywide as the Port of Miami is a regional asset and generates employment for residents throughout all of Miami-Dade County.

## **Fiscal Impact/Funding Source**

There is no additional fiscal impact for this item. The \$9,453,013 funds for this Project will come from the previously authorized 2005 Sunshine State Loan proceeds as approved by the Board at its September 8, 2005, meeting via Resolution R-1043-05.

## **Track Record/Monitor**

Chase has performed work for various County departments. In 2006, they were awarded a \$1.8 million contract with the Miami-Dade Transit Department and a \$6.5 million contract with the General Services Administration Department.

The Seaport Department staff member responsible for monitoring this contract is Fernando Alonso, Assistant Director, Engineering & Development.

## **Background**

On May 6, 2003, the Board approved Resolution R-502-03, which among other things, authorized the negotiation of an agreement with Chase, being the highest ranked responsive and responsible proposer under the County's Request for Qualification for the construction of the Seaport Department's Deepwater Cruise Terminals Development Project – CM01-SEA-01, E, R. The Project was contracted on the basis of

a Construction Manager at Risk, a method of construction where the Construction Manager participates in negotiation of sub-contracts and value engineering and is therefore able to provide a guaranteed maximum price (GMP) for the Project. The total cost approved for the project was \$61,995,286.

Subsequently, on September 8, 2005, the Board approved Resolution R-1043-05, authorizing the County Manager to execute change orders adding certain additional work scopes up to a maximum amount of \$9,453,013, potentially increasing the contract ceiling to \$71,448,299; and increasing the contract time by an amount not to exceed ten months.

The \$9,453,013 of additional funds, approved via Resolution R-1043-05, was requested for operational enhancements which were described as part of an attachment to that item. Once the design was completed, through value engineering and negotiations with the Construction Manager actual construction costs totaled \$7,667,832; leaving an available, unspent balance of \$1,785,181.

To date, four change orders have been executed. Change Orders Nos. 1 and 2 provided for 365 day and 180 day time extensions to the agreement, respectively. Subsequently, pursuant to R-1043-05, Change Orders Nos. 3 and 4 were executed to perform the aforementioned enhancements, which included, among other things, canopies, paving and drainage, demolition of passenger boarding bridges at cruise terminals 2 & 10, late ship baggage security screens, communication infrastructure, and passenger boarding bridge runways for both terminals at the above cost of \$7,667,832.

As we approach the completion of the Project, several items related to life safety, fire protection and new U. S. Customs and Border Protection requirements have been identified during final inspections. Furthermore, during the final phases of the Project, several components related to enhanced terminal functionality and operational efficiencies, as well as other items required to receive a Certificate of Occupancy have been identified and are listed on the attached Exhibit "A". The additional work identified in Exhibit "A" can be accomplished by using the available, unspent balance of \$1,785,181 from the previously approved \$9,453,013 under resolution R-1043-05, including its unused contingency; plus \$207,000 of unspent funds transferred from the Project's dedicated Permit Allowance Account. The total amount available for the remaining work shown in Exhibit "A" is \$1,992,181.

In order to complete the project and fulfill our commitments to Carnival and Norwegian Cruise Line (NCL), this work had to commence prior to Board consideration to be completed on time. Had this not occurred, the County would have been placed in a vulnerable position for future claims and also would have failed to deliver the terminals to their principal tenant (Carnival) within the agreed upon timeframe. Furthermore, timely completion of these terminals is also required to commence improvements to Carnival's existing terminals (B and C) for use by the Port's third largest cruise line (NCL). Certain improvements to Terminals B and C must be substantially completed prior to the start of the Port's cruise season (mid November 2007) to service a repositioned ship.

It is anticipated that a Temporary Certificate of Occupancy for both Terminals will be obtained in July 2007. Upon completion of the Project, a final close out change order will be brought to the Board for its review.



Assistant County Manager

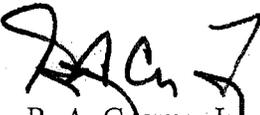


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

**DATE:** September 4, 2007

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 8(Q)(1)(C)

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. 8(Q)(1)(C)

09-04-07

RESOLUTION No. \_\_\_\_\_

RESOLUTION RETROACTIVELY AUTHORIZING COUNTY MAYOR OR HIS DESIGNEE TO NEGOTIATE AND EXECUTE CHANGE ORDERS TO THE AGREEMENT BETWEEN MIAMI-DADE COUNTY AND C. G. CHASE CONSTRUCTION MANAGEMENT, INC., (“CHASE”) FOR THE CONSTRUCTION OF CRUISE TERMINALS D & E (“PROJECT”), IN AN AMOUNT NOT TO EXCEED \$1,992,181 FROM AVAILABLE, UNSPENT PROJECT FUNDS INITIALLY ALLOCATED FOR OTHER PROJECT NEEDS, TO COMPLETE THE PROJECT AND RECEIVE A CERTIFICATE OF OCCUPANCY; AND TO EXERCISE ALL RIGHTS CONFERRED THEREIN

**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 retroactively authorizes the County Mayor or his designee to negotiate and execute change orders to the Agreement between Miami-Dade County and C.G. Chase Construction Management, Inc., (“Chase”) for the construction of Cruise Terminals D & E (“Project”), in an amount not to exceed \$1,992,181 from available, unspent Project funds initially allocated for other Project needs, to complete the Project and receive a Certificate of Occupancy; after review and approval by the County Attorney’s Office; and to exercise all right conferred therein.

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:

Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of September, 2007. 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

By: \_\_\_\_\_  
Deputy Clerk

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

Jess M. McCarty

5

## Exhibit "A"

### **Item No.**

### **Description**

---

1. Modifications to electrical work
2. Add electrical work for power and lighting items.
3. Conduits for security related access control and CCTV.
4. Modify/adjust air handler units
5. Modify mobile gangway electrical receptacles
6. Conduits for cruise operations audio visual equipment.
7. Modifications to cruise operations photo rooms.
8. Hurricane reinforcement at overhead doors.
9. Added fire protection at new escalators and stairs.
10. Modify foundations for new generator fuel tanks
11. Add roof top access ladder and safety railings
12. Modify drain lines for condensate pumps
13. Added emergency electrical generator components.
14. Modify air conditioning equipment
15. Miscellaneous modifications to HVAC, electrical and wall finishes.
16. Support stands for new air handler units
17. Modifications to HVAC at new vendor area.
18. Miscellaneous modifications to fire protection system.
19. Relocate air distribution diffusers
20. Modifications to mobile passenger bridges
21. Modifications to roadways for provisions and logistics.
22. Modifications to elevator machine rooms.
23. Modifications to public pay telephones.
24. Cruise operations office furniture.
25. Upgrade security fencing and access gates.
26. Added security room at ground floor lobby.
27. Added U. S. Customs and Border Protection (CBP) security items.
28. Other miscellaneous items required for operational efficiency and Certificate of Occupancy.