Memorandum

MIAMI-DADE COUNTY

Date: May 5, 2009

Agenda Item No. 8(A)(1)(A)

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Ratifying the County Mayor and Aviation Director's actions relating to North Terminal Development projects pursuant to Ordinance No. 08-87

RECOMMENDATION

It is recommended that the Board adopt the attached resolution ratifying the actions of the County Mayor and Aviation Director as identified in the attached Exhibit "A", pursuant to the delegated authority provided by the Board in Ordinance No. 08-87, relating to the North Terminal Development Program (NTD) at Miami International Airport (MIA).

BACKGROUND

On July 1, 2008, the Board approved Ordinance No. 08-87, which authorized the County Mayor and the Aviation Director to execute change orders, extend contract time, waive liquidated damages, and modify contract terms for contracts relating to the North Terminal Development Program at Miami International Airport without the need for prior Commission approval but subject to established safeguards and Board oversight through ratification.

The Aviation Department (MDAD) processed 2 qualifying NTD program contract modifications, a change order and an amendment to a professional service agreement listed in Exhibits "A". This ratification action covers the period January 1, 2009 thru March 31, 2009.

Assistant County Manager

Exhibit "A"

Miami-Dade Aviation Department
Contract Adjustment Ratification List
January 1, 2009-March 31, 2009

Change Orders

Project:	B732D, B-C Apron
Contractor:	Marks Brothers
Activity:	Change Order MDAD-2
Mayor's Approval Date:	January 6, 2009
Clerk Date:	January 7, 2009
Original:	$21,141,398.30
Previous:	MDAD Change Order No. 1 added a General Allowance Account in the amount of $2,114,150 to the contract.
This Adjustment:	$1,200,000
Total:	$24,455,548.30

Background: American Airlines requested that the Aviation Department open two additional gates by December 15, 2008 so that American Airlines could add additional flights at Miami International Airport during the busy holiday period. The North Terminal Development (NTD) team determined that it may be possible to open D-29 and D-30, however, this would require that some NTD construction work that was planned to be completed at a later date, be completed by 12/1/08. The work that would need to be done ahead of time includes the construction of apron and taxi lane pavement, pavement markings, guardrails, sidewalk, passenger loading bridge foundations, and related demolition, pavement repairs, and appurtenant work and is estimated that this work would take approximately 3 to 4 months. The Aviation Department has used $452,000 (rounded) of existing general allowance account funds to advance certain elements of the work. This Change Order replenishes this use by funding the D-29 and D-30 work completely. The D-29 and D-30 work was negotiated for a lump sum amount of $1,151,414. The balance of $48,586 will be used for unforeseeable issues.

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Amendments to Design Services

Project:	MIA-739-R-1, C-D Extension Interior Finish-Out Project
Contractor:	Harper Partners/Perez & Perez
Activity:	Third Amendment

Mayor's Approval Date:	February 17, 2009
Clerk Date:	February 18, 2009
Original:	$6,909,516.64
Previous:	$691,000
	First Amendment - No dollar value. This amendment conformed the agreement as assigned from American Airlines to County/MDAD standards.
	Second Amendment - $691,000 added to allowance account for additional services including existing project drawings review resulting from the termination of Turner contract and the resulting halt in construction and additional construction inspection services.
This Adjustment:	$10.00
	Correct discrepancies subsequently discovered in how Design Order Allowances funds and Reimbursables funds were accounted for in American Airlines Change Order No. 8 as follows:
	Decrease the Basic Services amount by $888,205.72 from $3,803,658.64 to $2,915,452.92. This includes a correction of $10.00 for an error in the Second Amendment related to American Airlines C/O No. 20.
	Increase the Design Order Allowance amount by $144,795.84 from $1,339,569.00 to $1,484,364.84.
	Decrease the Reimbursable Expenses amount by $74,693.85 from $577,000.00 to $502,906.15.
	Increase the Allowance Account amount by $818,113.73 from $1,879,689.00 to $2,697,802.73.
Total:	$7,600,526.64

Background: The Third County Amendment to the Design Services Agreement with Harper Partners/Perez & Perez (HP/PP) for the C-D Extension Interior Finish-Out Project, Contract No. MIA-739-R-1, modifying certain financial terms to correct recently discovered discrepancies is recommended for your approval pursuant to the provisions of Ordinance No. 08-87 pertaining to the administration of contracts for the design, construction, and installation of goods and materials relating to the North Terminal Program at Miami International Airport.

This Third Amendment corrects discrepancies discovered subsequent to the Second Amendment in how Design Order Allowances funds and Reimbursables funds were accounted for in American Airlines Change Order No. 8 as well as, to correct a $10.00 error in Amendment No. 2 related to American Airlines Change Order No. 20 and a scriveners' error of $600.00 related to Reimbursable Services.

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: May 5, 2009

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

SUBJECT: Agenda Item No. 8(A)(1)(A)

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 Mayor'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(A)(1)(A)
5-5-09

RESOLUTION NO. _____

RESOLUTION RELATED TO NORTH TERMINAL DEVELOPMENT CONTRACTS AT MIAMI INTERNATIONAL AIRPORT; RATIFYING ACTIONS TAKEN PURSUANT TO ORDINANCE NO. 08-87 DURING THE PERIOD OF JANUARY 1, 2009 THROUGH MARCH 31, 2009

WHEREAS, on July 1, 2008, the Board adopted Ordinance 08-87 which delegated authority to the County Mayor or Mayor's designee, and to the Aviation Director to execute change orders, extend contract time, waive liquidated damages, and modify contract terms relating to North Terminal Development Project (NTD) at Miami International Airport; and

WHEREAS, Ordinance 08-87 requires that any action taken pursuant to that Ordinance be presented to the Board of County Commissioners for ratification; and

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 hereby ratifies the County Mayor and the Airport Director's actions in executing change orders, extending contract time, waiving liquidated damages, and modifying contract terms relating to North Terminal Development Project (NTD)

during the period of January 1, 2009 through March 31, 2009, as more particularly described in the memorandum attached hereto.

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:

Dennis C. Moss, Chairman
Jose "Pepe" Diaz, Vice-Chairman

Bruno A. Barreiro	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Barbara J. Jordan	Joe A. Martinez
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 5th day of May, 2009. 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.

David M. Murray