Memorandum

MIAMI-DADE COUNTY

Date: May 4, 2010

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 taken during the period of July 1, 2009 thru February 28, 2010 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).

SCOPE

The North Terminal Development Program is located within Commission District Six, Rebeca Sosa; however, the impact of this program is countywide in nature as MIA is a regional asset.

FISCAL IMPACT

The contract modifications approved by the Mayor during this reporting period and listed on the attached Exhibit "A" are all within the overall Board approved North Terminal Development budget.

TRACK RECORD/MONITOR

The contracts listed on Exhibit "A" are part of the North Terminal Development Program. There are no known current performance issues with these contractors and their performance on the listed projects is satisfactory. The North Terminal Development Program monitor is Juan Carlos Arteaga, 305-869-5694, jcarteaga@miami-airport.com.

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.

During this reporting period, the Aviation Department (MDAD) processed seven (7) qualifying NTD program contract modifications and one (1) claims settlement agreement as listed in Exhibit "A". The expedite process has resulted in significant efficiencies in the implementation of those projects.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: May 4, 2010

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

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

Please note any items checked.

_____ **"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**

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

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

✓ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved_____ Mayor
Veto _____
Override _____

Agenda Item No. 8(A)(1)(A)
5-4-10

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 JULY 1, 2009 THROUGH FEBRUARY 28, 2010

WHEREAS, on July 1, 2008, the Board adopted Ordinance 08-87 which delegated authority to the County Mayor or his 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 July 1, 2009 through February 28, 2010, 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
Carlos A. Gimenez
Barbara J. Jordan
Dorrin D. Rolle
Katy Sorenson
Sen. Javier D. Souto
Audrey M. Edmonson
Sally A. Heyman
Joe A. Martinez
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of May, 2010. 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. DM

David M. Murray

North Terminal Development Program
Ordinance No. 08-87
Project Ratification List
July 1, 2009 - February 28, 2010

Exhibit A

Contract Number	Project Name	Contractor	Original Contract Amount	Previous Modifications	Amount this Modification	Adjusted Amount	Compliance Data	Description and Justification
B780B	North Terminal Development Program	POJV	$542,041,500	$503,459,716	$10,000,000	$1,055,501,216	The DBE contract measures for this contract is 17.3%. To date DBE contractors have been paid $131,867,039 which is 16.83% of $783,692,243 which is what POJV has been paid and received as of 12/31/09	The contract between the County and POJV included an Owner's Allowance Account of $125,562,667. Of this amount, $53,900,000 was set for known potential issues for which costs could be determined only after construction had started. These issues include commissioning, repairs of deficient work of previous contractors under TAAT, and soil and water treatment. Another $22,500,000 was established to pay for the construction costs associated with implementing phasing plans. When the primary scope was bid by POJV, the phasing plans that would generally indicate the overall sequence of the contracted work and construction or reconfiguration of facilities to ensure continuous terminal building and concourse operations were being revised as a result of the new plan to close Concourse A and were not complete in time for the bidding. POJV alerted the bidders to that effect, and the cost of phasing was not included in the bids. Funds were included in the Owner's Allowance Account to pay for the necessary construction or reconfiguration of facilities related to phasing. Settlement of some of these known potential issues, specifically contractor's payment and performance bond and completion of C-D shell work left incomplete from the termination of the previous contractors, required significant use of the allowance. This utilization reduced the available allowance allocated to handle the project's unforeseen conditions. This change order in the amount $10 million will help off-set some of this utilization and will replenish the Owner's Allowance Account to address future unforeseen project needs.
B703A5	NTD Automated Baggage Handling System	URS Corporation Southern	$4,731,800	$0	$7,000,000	$11,731,800.00	No Measures. URS had two subconsultants as part of the agreement that expired, Cage, Inc. and EAC Consulting. No measures were established because it was important to retain the expertise of the companies that developed the performance criteria of the BHS to ensure that it is installed as intended.	On May 6, 2008, the Board approved Resolution R-458-08 retaining the firm of URS Corp. Southern to act as the owner's representative on the NTD Baggage Handling System (BHS) to insure that the contractor, Siemens Energy and Automation, properly delivered a fully functional system. As has been reported to this Board, numerous program changes and delays have impacted this extremely complex BHS project since the County and URS entered into this agreement including programming issues, American Airline's requested enhancements, additional TSA requirements and owner requested changes. This amendment provides the necessary funding for URS to continue in its role as the owner's representative.
B756AD	North Terminal Improvements Package 1 and 2	MCM-Dragados	$125,695,736.00	$0	$10,000,000	$135,695,736.00	CSBE Goal Value (based on Adjusted amount): 12% = $16,283,488. Current Achievement (Based on Paid as of 01/31/10): 16.67% = $12,098,561/$72,556,885	The change order increased the general allowance account to cover potential cost for County requested changes, unforeseen conditions incurred on the project and to accelerate and synchronize the phasing and completion dates of Phase 1 of this project with the adjacent North Terminal Development projects.
B761A2	Regional Commuter Facility	Beauchamp Construction Company	$34,985,060	$0	$6,000,000	$40,985,060	CSBE Goal Value (based on Adjusted amount): 25.4% = 10,410,205.24 Current Achievement (Based on Paid as of 01/31/10) 30% = $6,414,627/$21,370,649	This change order increased the general allowance account to cover the cost of County requested changes to the project relating to the enclosing of the passenger walkway at the west end of the new Regional Commuter Facility. From the inception of the design, it was known that an enclosed walkway would be needed. However, security and Code requirements were not final at the time of bidding therefore the original bid documents contained a very basic shell form.
B763A/B	NTD - Pre-Conditioned Air Systems and 400Hz Ground Power	John J. Kirlin, Inc.		$1,355,430.89 **Settlement of Claim**			SBD confirmed with CSBE subcontractors Dode, Inc. and Al Hill Enterprises, Inc. that they have been paid in full and are not due any additional monies.	This Claims Settlement Agreement between the County and John J. Kirlin in the amount of $1,355,430.89 settles all claims asserted by Kirlin and its subcontractors in connection with delay cost incurred by Kirlin on the NTD Program due to delays on preceding work necessary for Kirlin to perform its work prior to the County's assuming responsibility for the Program.
701D	NTD	Sequeira and Gavarrete, P.A.	$60,784,902	$0	$2,500,000	$63,284,902	SBE Goal (Based on Adjusted amount): 8% = $4,631,466 Current Achievement (Based on Paid as of 12/31/09): 8.81% = $3,836,691/$43,559,874	This First County Amendment provided additional funding because the Consultant was requested by the County to provide additional staff and perform a greater number of studies and analysis than originally anticipated including; perform comprehensive NTD bid validation analysis, respond to Miami-Dade Building and Fire Departments' concerns regarding NTD life system master plan issues, perform baggage handling system construction administration services including specific modeling and simulation studies and develop and implement the systems used to plan, schedule, budget and measure the overall performance of the NTDP.
B741F	MIA D Extension	Allied Contractors, Inc.	$4,607,850	$0	$1,992,682	$6,600,532	CSBE Goal Value(Based on Adjusted Amount): 24% = $1,584,128. Current Achievement (based on Paid as of 12/30/09): 100% = $888,818/$888,818	The purpose of this Change Order No. 1 is to add to this contract needed stucco repair work of the exterior finishes of Concourse "A" The additional work is the same general scope of work as is included in the existing contract.
MIA-740A	C-D Federal Inspection Services Station	M. C. Harry and Associates	$5,437,290	$1,970,000 - Approved by BCC 3-7-06	$1,084,824	$8,492,114	BBE, HBE, WBE and CBE programs were not in effect at the time of award. However, the original agreement provides for the design professional to consider utilizing B/H/WBE firms on a voluntary basis. As of 12/31/09, voluntary utilization is: BBE - 5.2%, HBE - 19.5% and WBE - 3.3%	This Second County Amendment provided funding for additional construction administration services, updating plans, and incorporate changes from the US Custom and Border Protection and the Transportation Security Administration.

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