

Memorandum



Date: July 8, 2010

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

Agenda Item No. 8(P)(1)(G)

From: George M. Burgess
County Manager

A handwritten signature in black ink, appearing to read "G. Burgess", written over a white rectangular box.

Subject: Change Order No. 1 and Final (Retroactive) for Roadway Improvements along NE 15 Avenue, from NE 159 Street to NE 186 Street – Project No. 20060217; Contract No. 20060217, to Williams Paving Company, Inc.

Recommendation

The attached Change Order No. 1 and Final (Retroactive) for a contract between Williams Paving Company, Inc. and Miami-Dade County has been prepared by the Public Works Department (PWD) and is recommended for approval.

**CHANGE ORDER
NUMBER:**

1 and Final

Scope

PROJECT NAME:

Roadway Improvements along NE 15 Avenue, from NE 159 Street to NE 186 Street

PROJECT NO:

20060217

CONTRACT NO:

20060217

PROJECT DESCRIPTION:

The work under this contract consists of, but is not limited to, performing roadway improvements along NE 15 Avenue, from NE 159 Street to NE 186 Street. The improvements consist of widening the existing roadway from two (2) to three (3) lanes, and include bike lanes, sidewalks, and curb and gutter between NE 161 Street and NE 170 Street and between NE 183 Street and NE 186 Street. The project also includes a continuous storm drainage system, pavement markings, signage, traffic signalization, roadway lighting and a bridge over the Snake Creek Canal.

PROJECT LOCATION:

NE 15 Avenue, from NE 159 Street to NE 186 Street

**PRIMARY COMMISSION
DISTRICT:**

Various Districts

APPROVAL PATH: Board of County Commissioners
USING DEPARTMENT: Public Works Department
MANAGING DEPARTMENT: Public Works Department

Fiscal Impact / Funding Source

FUNDING SOURCE: Road Impact Fees

CHANGE ORDER FUNDING SOURCE: Not applicable. This Change Order does not increase the contract amount.

PTP FUNDING: No

GOB FUNDING: No

ARRA FUNDING: No

CHANGE ORDER DESCRIPTION: Extend the contract time by 119 non-compensable calendar days.

MONETARY JUSTIFICATION: Not applicable. This Change Order does not increase the contract amount.

TIME JUSTIFICATION: This Change Order extends the contract time by 119 non-compensable calendar days due to the following:

The Contractor proposed a modification to the original design for the bridge, from a continuous cast in place concrete slab to simple span concrete slabs. The Public Works Department (PWD) approved the proposal as it would improve the long term performance of the bridge. Significant coordination and additional engineering design were required to implement such modification. This required a time extension of 71 calendar days.

In an effort to address citizens concerns through the public involvement process and to provide uninterrupted access to the NE 163 Street Mall during the 2008 Holiday season, and minimize hardship to the affected merchants and patrons, PWD directed the Contractor to stop work for the section of NE 15 Avenue between NE 163 Street and NE 170 Street, requiring a time extension of 48 calendar days.

Additionally, in order to ensure that the prescribed South Florida Water Management District permit requirements were met, PWD performed a detailed evaluation of the volume of required dredging, to include

surveyed dimensions and methods of sediment removal, resulting in an additional 29 calendar days added to the contract.

Finally, the Contract was delayed by seven (7) calendar days to account for the Contractor's work site preparation for Tropical Storm Fay, as well as additional delays caused by unrelated severe weather conditions.

The project was delayed by a total of 155 calendar days, of which 36 were granted through the contingency time included in the Contract, netting 119 calendar days requested in this Change Order.

	<u>Original Contract Values</u>	<u>Previous Adjustments To Values</u>	<u>This Change Order Values</u>	<u>Current Totals</u>	<u>Total Paid</u>	<u>Balance After Change Order</u>
BASE:	\$6,917,321.00	\$0.00	\$ 0.00	\$6,917,321.00	\$6,917,321.00	\$0.00
CONTINGENCY:	\$691,732.10	\$0.00	\$0.00	\$691,732.10	\$690,429.67	\$1,302.43
DEDICATED:	<u>\$224,846.42</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$224,846.42</u>	<u>\$224,846.42</u>	<u>\$0.00</u>
TOTALS:	\$7,833,899.52	\$0.00	\$ 0.00	\$7,833,899.52	\$7,832,597.09	\$1,302.43

	<u>Original Contract Duration</u>	<u>Previous Adjustments To Duration</u>	<u>This Change Order Duration</u>	<u>Current Totals</u>
BASE DURATION:	365	0	119	484
CONTINGENCY:	<u>36</u>	<u>0</u>	<u>0</u>	<u>36</u>
TOTAL DURATION:	401	0	119	520

INITIATING FACTOR(S) FOR CHANGE ORDER

<u>Reason</u>	<u>Cost</u>	<u>Duration</u>
County Requested Change	\$ 0.00	83
Unforeseen/Unforeseeable Change	<u>\$ 0.00</u>	<u>36</u>
	\$ 0.00	119

Track Record / Monitor

PERFORMANCE RECORD:

The PWD has reviewed the Office of Capital Improvements (OCI) database for the contractor's performance and found that it reflects seven (7) contracts awarded and eight (8) evaluations given with an average rating of 3.0 out of a possible 4.0 points (3.0 is Satisfactory Performance and 4.0 is Superior Performance).

PRIME CONTRACTOR: Williams Paving Co., Inc.

COMPANY PRINCIPAL: Jose and Betty Jean Rodriguez

COMPANY QUALIFIERS: Jose Rodriguez

COMPANY EMAIL ADDRESS: rsmith@williamspaving.com

COMPANY STREET ADDRESS: 11300 NW South River Drive

COMPANY CITY-STATE-ZIP: Medley, Florida 33178

YEARS IN BUSINESS AT TIME OF AWARD: 55 years

PREVIOUS CONTRACTS WITH COUNTY IN THE LAST FIVE YEARS AT TIME OF AWARD: Nine (9) contracts totaling \$32,822,560.26 (as per SBD Firm History Report).

SUB CONTRACTORS AND SUPPLIERS (SECTION 10-34 MIAMI DADE COUNTY CODE): US Bridge & Dredge, Inc., Pavement Markings, Besco Utilities, US Precast, Ferguson Enterprise, White Rock Quarries.

REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:	<u>TYPE</u>	<u>GOAL</u>	<u>ESTIMATED VALUE</u>	<u>ACHIEVED TO DATE</u>
	CSBE	19.00%	\$1,455,720.09	\$1,252,220.97
	CWP	0%	N/A	N/A

CONTRACT MANAGER NAME / PHONE / EMAIL: Frank Aira (305) 375-2930 airaf@miamidade.gov

PROJECT MANAGER NAME / PHONE / EMAIL: Ruben Arencibia (305) 469-9539 aren@miamidade.gov

Background

BACKGROUND:

This contract's Notice to Proceed was effective on March 3, 2008, and the contract duration was 365 calendar days. The original expiration date was March 3, 2009. A contingency time extension of 36 days was granted, bringing the revised contract expiration date to April 8, 2009.

This Change Order extends the contract time by one hundred nineteen (119) calendar days, bringing the final expiration date of this contract to August 5, 2009.

This project was awarded with a 19.00% CSBE goal of \$1,445,720.09. To date, Community Small Business Enterprises (CSBE) have been paid \$1,252,220.97 or 19.54% of the paid to date amounts. A Community Workforce Program (CWP) measure did not apply. Williams Paving Company, Inc. and its subcontractors are in compliance with the applicable section of the Responsible Wages and Benefits requirements (see attached SBD Memo).

**BUDGET APPROVAL
FUNDS AVAILABLE:**  5/11/10
OSBM DIRECTOR DATE

**APPROVED AS TO
LEGAL SUFFICIENCY:**  5/12/10
COUNTY ATTORNEY DATE

 5-25-10
ASSISTANT COUNTY DATE
MANAGER

CLERK DATE _____
DATE



MEMORANDUM

(Revised)

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

DATE: July 8, 2010

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

SUBJECT: Agenda Item No. 8(P)(1)(G)

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(P)(1)(G)
7-8-10

RESOLUTION NO. _____

RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL (RETROACTIVE) OF A CONTRACT BETWEEN MIAMI-DADE COUNTY AND WILLIAMS PAVING COMPANY, INC., FOR PUBLIC WORKS DEPARTMENT PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG NE 15 AVENUE FROM NE 159 STREET TO NE 186 STREET, LOCATED WITHIN VARIOUS COMMISSION DISTRICTS (PROJECT NO. 20060217), EXTENDING THE CONTRACT TIME BY 119 CALENDAR DAYS

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 approves Change Order No. 1 and Final (Retroactive) of a contract between Miami-Dade County and Williams Paving Company, Inc., for Public Works Department project entitled Roadway Improvements Along NE 15 Avenue from NE 159 Street to NE 186 Street, located within various Commission Districts (Project No. 20060217), extending the contract time by 119 calendar days, in substantially the form attached hereto and made a part hereof.

7

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	

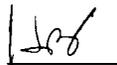
The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of July, 2010. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

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.



Hugo Benitez

Approved By: Assistant Director, PWD

[Handwritten signature]

5/14/10

Approved By: Director, PWD

[Handwritten signature]

5/14/10

Approved By: Director, SBD

[Handwritten signature]

5/13/10

Approved By: Director, OSBM

[Handwritten signature]

5/19/10

Approved By: County Attorney

[Handwritten signature]

5/18/10

Approved By: County Manager

Attested By: Clerk of the Board

Time Justification: (Continued)

Significant coordination and additional engineering design were required to implement such modification. This required a time extension of 71 calendar days.

In an effort to address citizens concerns through the public involvement process and to provide uninterrupted access to the NE 163 Street Mall during the 2008 Holiday season, and minimize hardship to the affected merchants and patrons, PWD directed the Contractor to stop work for the section of NE 15 Avenue between NE 163 Street and NE 170 Street, requiring a time extension of 48 calendar days.

Additionally, in order to ensure that the prescribed South Florida Water Management District permit requirements were met, PWD performed a detailed evaluation of the volume of required dredging, to include surveyed dimensions and methods of sediment removal, resulting in an additional 29 calendar days added to the contract.

Finally, the Contract was delayed by seven (7) calendar days to account for the Contractor's work site preparation for Tropical Storm Fay, as well as additional delays caused by unrelated severe weather conditions.

The project was delayed by a total of 155 calendar days, of which 36 were granted through the contingency time included in the Contract, netting 119 calendar days requested in this Change Order.

Time Justification Declaration:

A time extension is provided for additional work performed outside the scope of the original Contract that affects the critical path schedule of the contracted work or previously approved changes. Should additional work be required which does not affect the critical path schedule, no time extension will be granted. Should one item of additional work run concurrent with another item of additional work, only time not duplicated can be provided.

This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

LIBERTY MUTUAL INSURANCE COMPANY
BOSTON, MASSACHUSETTS
POWER OF ATTORNEY

KNOW ALL PERSONS BY THESE PRESENTS:

That Liberty Mutual Insurance Company (the "Company"), a Massachusetts stock insurance company, pursuant to and by authority of the By-law and Authorization hereinafter set forth, does hereby name, constitute and appoint MARY C. ACEVES, CHARLES J. NIELSON, KRISTI MESSEL, CHARLES D. NIELSON, DAVID R. HOOVER, ALL OF THE CITY OF MIAMI LAKES, STATE OF FLORIDA

each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in the penal sum not exceeding ONE HUNDRED MILLION AND 00/100 DOLLARS (\$ 100,000,000.00) each, including but not limited to consents of surety for the release of retained percentages and/or final estimates on construction contracts or similar authority requested by the Department of Transportation, State of Florida, and the execution of such undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents, shall be as binding upon the Company as if they had been duly signed by the president and attested by the secretary of the Company in their own proper persons.

That this power is made and executed pursuant to and by authority of the following By-law and Authorization:

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

By the following instrument the chairman or the president has authorized the officer or other official named therein to appoint attorneys-in-fact:

Pursuant to Article XIII, Section 5 of the By-laws, Garnet W. Elliott, an Assistant Secretary of Liberty Mutual Insurance Company, is hereby authorized to appoint such attorneys-in-fact as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Company and the corporate seal of Liberty Mutual Insurance Company has been affixed thereto in Plymouth Meeting, Pennsylvania this 12th day of January, 2010.

LIBERTY MUTUAL INSURANCE COMPANY



By Garnet W. Elliott
Garnet W. Elliott, Assistant Secretary

COMMONWEALTH OF PENNSYLVANIA ss
COUNTY OF MONTGOMERY

On this 12th day of January, 2010, before me, a Notary Public, personally came Garnet W. Elliott, to me known, and acknowledged that he is an Assistant Secretary of Liberty Mutual Insurance Company; that he knows the seal of said corporation; and that he executed the above Power of Attorney and affixed the corporate seal of Liberty Mutual Insurance Company thereto with the authority and at the direction of said corporation.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Teresa Pastella, Notary Public
Plymouth Twp., Montgomery County
My Commission Expires March 28, 2013
Member, Pennsylvania Association of Notaries

Teresa Pastella
Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of Liberty Mutual Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the officer or official who executed the said power of attorney is an Assistant Secretary specially authorized by the chairman or the president to appoint attorneys-in-fact as provided in Article XIII, Section 5 of the By-laws of Liberty Mutual Insurance Company.

This certificate and the above power of attorney may be signed by facsimile or mechanically reproduced signatures under and by authority of the following vote of the board of directors of Liberty Mutual Insurance Company at a meeting duly called and held on the 12th day of March, 1980.

VOTED that the facsimile or mechanically reproduced signature of any assistant secretary of the company, wherever appearing upon a certified copy of any power of attorney issued by the company in connection with surety bonds, shall be valid and binding upon the company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said company, this _____ day of _____.



David M. Carey
David M. Carey, Assistant Secretary

currency rate, interest rate or residual value guarantees.

To confirm the validity of this Power of Attorney call 1-800-333-3333 between 9:00 AM and 4:00 PM EST on any business day.

Memorandum



Date: May 4, 2010

To: Esther Calas, Director
Public Works Department

From: Penelope Townsley, Director
Department of Small Business Development

Subject: Project No. 20060217, Change Order No. 1

The subject project was reviewed by the Department of Small Business Development (SBD) for compliance with the following sections of the Code of Miami-Dade County - §10-33.02, Community Small Business Enterprise (CSBE) Program and §2-11.16, Responsible Wages and Benefits. This project was awarded to Williams Paving Company, Inc. in the amount of \$7,833,899.52 on January 10, 2008 with a 19% CSBE goal valued at \$1,445,720.09 (base plus contingency). This change order is to extend the contract time by 119 non compensable calendar days and does not increase the contract value.

As reported on the last MUR, the prime has been paid \$6,407,328.92 and paid their CSBEs \$1,252,220.97 which exceeds the required 19% CSBE goal. Williams Paving Company, Inc. and its subcontractors are in compliance with the applicable Code requirements. Please do not hesitate to contact me at 305-375-3134 if you need additional information.

c: Alice Hidalgo-Gato, CMC Division Director, SBD
Veronica Clark, Assistant to the Director, SBD
Patrice King, Administrative Officer, SBD



MIAMI DADE COUNTY
Department of Small Business Development
Firm History Report

PRIMES

FIRM NAME: WILLIAMS PAVING CO, INC.
11300 NW South River Dr
Medley, FL 33178

From: 04/28/2005 To: 04/28/2010

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
* 20040318 (671308)	1	PW	GOAL CSBE 26%	07/15/2005	\$3,678,561.64
NW 17TH AVENUE FROM NW 119TH STREET TO OPA-LOCKA BOULEVARD (SIC 16)					
Change Order # 1 JAN-26-07					
Change Order # 2 MAY-05-09 187 days					
* 20040317 (671379)	1	PW	GOAL CSBE 22%	03/01/2006	\$4,119,889.80
NE 12TH AVENUE FROM NE 167TH STREET TO NE 149TH STREET (SIC 16)					
* CHJPA-2009.01 (20070697)	1	PW	NO MEASURE	07/18/2006	\$3,300,000.00
JOINT PARTICIPATION AGREEMENT (JPA) BETWEEN MIAMI-DADE COUNTY AND THE CITY OF HIALEAH NW 97TH AVENUE FROM NW 138TH STREET TO NW 154TH STREET					
Change Order # 1 NOV-03-09					
20060309	1	PW	NO MEASURE	07/18/2006	\$3,300,000.00
JOINT PARTICIPATION AGREEMENT BETWEEN MIAMI DADE COUNTY & HIALEAH FOR CONSTRUCTION OF NW 97 AVE. FROM NW 138 ST TO NW 154 ST					
* 20050259	1	PW	GOAL CSBE 20%	09/20/2006	\$4,009,279.40
SW 56TH STREET FROM SW 158TH COURT TO SW 152ND AVENUE (SIC 16)					

* Indicates closed or expired contracts
 Disclaimer: Payments shown may not reflect current information



MIAMI DADE COUNTY
Department of Small Business Development
Firm History Report

From: 04/28/2005 To: 04/28/2010

PRIMES

FIRM NAME: WILLIAMS PAVING CO, INC.
11300 NW South River Dr
Medley, FL 33178

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
* 20040332	1	PW	NO MEASURE CSBE 0%	11/30/2006	\$2,222,788.00
CITY OF AVENTURA, MIAMI GARDENS DRIVE FROM BISCAYNE BOULEVARD TO THE WESTERN TERMINUS OF THE PROPERTY LINE OF THE AVENTURA LANDINGS DEVELOPMENT (SIC 16)					
* 20060025	1	PW	GOAL CSBE 18%	01/26/2007	\$3,974,285.90
SW 137TH AVENUE FROM 88TH STREET TO SW 72ND STREET (SIC 16)					
* 20060217	1	PW	GOAL CSBE 19%	01/10/2008	\$7,833,899.52
NE 15TH AVENUE FROM NE 159TH STREET TO NE 186TH STREET (SIC 16)					
20070697 (20070730)	1	PW	GOAL CSBE 6%	02/22/2010	\$0.00
JPA FOR NW 138TH STREET FROM I-75 TO NW 107TH AVENUE, CITY OF HIALEAH (SIC 16)					
14					
					\$0.00

* Indicates closed or expired contracts
 Disclaimer: Payments shown may not reflect current information



MIAMI DADE COUNTY
Department of Small Business Development
Firm History Report

From: 04/28/2005 To: 04/28/2010

PRIMES

FIRM NAME: WILLIAMS PAVING CO, INC.
 11300 NW South River Dr
 Medley, FL 33178

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT
			Total Award Amount	\$32,438,704.26	
			Total Change Orders Approved by BCC	\$383,856.00	
				<u>\$32,822,560.26</u>	

15

- Indicates closed or expired contracts
 Disclaimer: Payments shown may not reflect current information

Find Contracts With Search String ==>

Projects

Goto Bottom

Exit



OFFICE OF CAPITAL IMPROVEMENTS
CAPITAL IMPROVEMENTS INFORMATION SYSTEM

Friday, April 30, 2010

All Contracts for FEIN 590895890
Williams Paving Co., Inc.

<u>DST</u>	<u>DPT</u>	<u>Type</u>	<u>Contract</u>	<u>Name</u>	<u>Location / Contractor</u>	<u>Estimated Completion Date</u>	<u>Total Award</u>	<u>Last Status Date</u>	<u>% Complete / Status *</u>
2	PW	CON	20040317	NE 12th Avenue From NE 149th Street to NE 167th	Williams Paving Co., Inc.	7/17/2007	\$3,617,764	8/22/2008	100% / Closed
2	PW	CON	<u>20040318</u>	NW 17th Avenue from NW 119th Street to Opa Locka	Williams Paving Co., Inc.	3/21/2007	\$3,292,329	<u>10/31/2008</u>	100% / Work Complete: Pending Change
11	PW	CON	20050259	Roadway Improvements to SW 56th Street (Miller D)	Williams Paving Co., Inc.	2/2/2008	\$3,565,754	10/31/2008	100% / Closed
30	PW	CON	<u>20060025</u>	Roadway Improvements to SW 137th Avenue from SW	Williams Paving Co., Inc.	6/10/2008	\$3,474,669	<u>10/31/2008</u>	100% / Closed
30	PW	CON	20060217	Roadway Improvements along NE 15 Avenue, from NE	Williams Paving Co., Inc.	3/3/2009	\$6,917,321	1/7/2010	100% / Complete
0	DE	CON	629015	Multiple Award Indefinite Quantity Contract for	Williams Paving Co., Inc.	3/3/2005	\$7,545,455	3/3/2005	100% / Complete
9	<u>CD</u>	<u>CON</u>	<u>CDQNIP2</u>	<u>South Moton Street Improvements</u>	<u>Williams Paving Co., Inc.</u>	<u>8/7/2003</u>	<u>\$319,694</u>	<u>1/29/2007</u>	100% / Complete
Totals:						7	\$28,732,986		

* Yellow Status=Inactive Contract

Contracts Status View

Exit

Projects

Goto Top

STRATEGIC AREA: Transportation
 DEPARTMENT: Public Works

***** FUNDED PROJECTS *****
 (dollars in thousands)

WIDEN NE 15 AVENUE FROM NE 159 STREET TO NE 163 STREET AND NE 170 STREET TO MIAMI GARDENS DRIVE PROJECT # 6030511

DESCRIPTION: Construct intersection improvements and widen from two lanes to three lanes on 0.4 miles of roadway

LOCATION: NE 15 Ave from NE 159 St to NE 163 St
 North Miami

DISTRICT LOCATED: 2, 4
 DISTRICT(s) SERVED: 2, 4

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Road Impact Fees	6,194	0	0	0	0	0	0	0	6,194

TOTAL REVENUE:	6,194	0	6,194						
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EXPENDITURE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Planning and Design	361	0	0	0	0	0	0	0	361
Construction	2,810	2,280	743	0	0	0	0	0	5,833

TOTAL EXPENDITURES:	3,171	2,280	743	0	0	0	0	0	6,194
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WIDEN NE 15 AVENUE FROM NE 163 STREET TO NE 170 STREET PROJECT # 6031851

DESCRIPTION: Widen road from two to four lanes on one mile of roadway

LOCATION: NE 15 Ave from NE 163 St to NE 170 St
 North Miami

DISTRICT LOCATED: 4
 DISTRICT(s) SERVED: 4

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Road Impact Fees	1,641	0	0	0	0	0	0	0	1,641

TOTAL REVENUE:	1,641	0	1,641						
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EXPENDITURE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Construction	950	630	61	0	0	0	0	0	1,641

TOTAL EXPENDITURES:	950	630	61	0	0	0	0	0	1,641
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WIDEN NE 2 AVENUE FROM NE 91 STREET TO NE 105 STREET (LITTLE RIVER CANAL) PROJECT # 6050471

DESCRIPTION: Reconstruct four lanes on 1.5 miles of roadway

LOCATION: NE 2 Ave from NE 91 St to NE 105 St
 Miami Shores

DISTRICT LOCATED: 3
 DISTRICT(s) SERVED: 3

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Road Impact Fees	4,200	4,114	0	0	0	0	0	0	8,314

TOTAL REVENUE:	4,200	4,114	0	0	0	0	0	0	8,314
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EXPENDITURE SCHEDULE:	PRIOR	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	FUTURE	TOTAL
Construction	4,200	4,114	0	0	0	0	0	0	8,314

TOTAL EXPENDITURES:	4,200	4,114	0	0	0	0	0	0	8,314
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17



**Dept. of Business Development
Project Worksheet**

Project/Contract Title: NE 15TH AVENUE FROM NE 159TH STREET TO NE 186TH STREET (SIC 16) **RC Date:** 04/04/2007
Project/Contract No: 20060217 **Funding Source:** **Item No:** 3-03
Department: PUBLIC WORKS DEPARTMENT **ROAD IMPACT FEES (RIF)**
Estimated Cost of Project/Bid: \$8,167,930.00 **Resubmittal Date(s):** 08/09/2006

Description of Project/Bid: THIS PROJECT CONSISTS OF IMPROVEMENTS TO NE 15TH AVENUE FROM NE 159TH STREET TO NE 186TH STREET. THE IMPROVEMENTS TO THIS VICINITY CONSIST OF WIDENING THE EXISTING ROADWAY FROM 2 TO 3 LANES, INCLUDING BIKE LANES, SIDEWALKS, CURB AND GUTTER BETWEEN NE 161ST STREET AND NE 170TH STREET AND BETWEEN NE 183RD STREET AND NE 186TH STREET, STORM DRAINAGE SYSTEM, PAVEMENT MARKING AND SIGNAGE, TRAFFIC SIGNALIZATION, ROADWAY LIGHTING AND A BRIDGE WIDENING OVER SNAKE CREEK CANAL.

<u>Measure</u>	<u>Program</u>	<u>Goal Percent</u>
Goal	CSBE	18.54%

Reason for Recommendation

This project is being resubmitted because the cost estimate increased from \$7,184,722 to \$8,167,930 and it was not advertised within 180 days.

An analysis of the factors contained in Section VI C of Administrative Order 3-22 indicate that a CSBE goal is appropriate in the trades of signalization (Electrical Contractors), pavement marking and signage (Painting and Wall Covering Contractors), and concrete.

CWP Not Applicable: Not in DTA

Analysis for Recommendation

<u>Subtrade</u>	<u>Cat.</u>	<u>Estimated Value</u>	<u>% of Items to Base Bid</u>	<u>Availability</u>
Concrete Contractors	CSBE	\$313,648.51	3.84%	24
Painting and Wall Covering Contractors	CSBE	\$107,816.68	1.32%	41
Electrical Contractors	CSBE	\$1,092,869.03	13.38%	44
Total		\$1,514,334.22	18.54%	

Living Wages: YES NO **Highway:** YES NO **Heavy Construction:** YES NO
Responsible Wages: YES NO **Building:** YES NO

Ordinance 90-143 is applicable to all construction projects over \$100,000 that do not utilize Federal Funds

REVIEW COMMITTEE RECOMMENDATION

Tier 1 Set-Aside _____

Set Aside _____ Level 1 _____ Level 2 _____ Level 3 _____

Trade Set Aside (MCC) _____ Goal 14% CSBE Bid Preference _____

No Measure _____ Deferred _____ Selection Factor _____

 4/4/07
 Chairperson, Review Committee Date

 County Manager Date



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Goals, Measures, or Signification

Measure	Program	Goal Percent
Goal	CSBE	19.07%

Use of the following information:
A n analysis of the factors contained in Section VI C of Administrative Order 3-22 indicate that a CSBE goal is appropriate in the trades of signalization (Electrical Contractors), pavement marking and signage (Painting and Wall Covering Contractors), and concrete.
CWP Not Applicable: Not in DTA

Analysis of Recommendations for the goal

Subtrade	Cat.	Estimated Value	% of Items to Base Bid	Availability
Concrete Contractors	CSBE	\$276,611.80	3.83%	34
Painting and Wall Covering Contractors	CSBE	\$119,266.39	1.66%	41
Electrical Contractors	CSBE	\$974,248.30	13.56%	44
Total		\$1,370,126.49	19.07%	

Living Wages: YES NO Highway: YES NO Heavy Construction: YES NO
Responsible Wages: YES NO Building: YES NO

Ordinance 90-143 is applicable to all construction projects over \$100,000 that do not utilize Federal Funds

Other Set Aside _____
Set Aside _____ Level 1 _____ Level 2 _____ Level 3 _____
Trade Set Aside (MCC) _____ Goal 19% CSBE Bid Preference _____
No Measure _____ Deferral _____ Selection Factor _____
 8/9/06 _____
Clerk Date County Manager Date

MIAMI-DADE COUNTY
 BOARD OF COUNTY COMMISSIONERS
 OFFICE OF THE COMMISSION AUDITOR



Legislative Notes

Agenda Item: 8(P)1(G), 8(P)1(H), 8(P)1(J)
File Number: 101390, 101380, 101351
Committee(s) of Reference: Board of County Commissioners
Date of Analysis: June 24, 2010
Type of Item: Contract Award Recommendations and Change Order

Summary

BCC Items	8(P)1(G)	8(P)1(H)	8(P)1(J)
Project No.	20060217	CICC 7360-0/08 RPQ No. 20090095	CICC 7360-0/08 RPQ No. 20100387
Vendor	Williams Paving Company, Inc.	Kailas Corp.	H & R Paving, Inc.
Contract Award Amount	\$7,833,899.52 Approved	\$1,489,485.20 Recommended	\$1,000,000 Recommended
Change Order Request	Contract extension of 119 calendar days	Not Applicable	Not Applicable
Open Violations	None	None	None
Make-Up Plan	Not Applicable	Not Applicable	Not Applicable

Budget Construction Co, Inc. Make-Up Plan

On July 31, 2009, SBD staff approved a make-up plan for Budget Construction Company, Inc. (Budget) valued at \$349,225¹ under a separate Public Works contract (Project No. 20090106). The make-up plan was presented at the October 14, 2009 Transit, Infrastructure & Roads Committee (TIRC). At that time, Budget's violation report showed two (2) open violations *for failure to meet CSBE subcontractor goals on two (2) Miami-Dade Park and Recreation Department projects.*

- The TIRC committee members tabled the item on October 14, 2009 based on concerns over Budget's compliance with the CSBE requirements. **The make-up plan would have reduced Budget's overall make-up total from \$993,891 to \$644,666.**

On November 4, 2009, the Board of County Commissioners (BCC), through Resolution 1295-09, approved Change Order No. 1 and Final between Budget and Miami-Dade County for needed additional work totaling \$65,560 located at East Dixie highway from N.E. 93 Street and N.E. 103 Street, Miami

¹ SBD provided the date and amount to the Office of the Commission Auditor.

Shores Village, Florida. The two (2) open violations mentioned above for failure to meet CSBE subcontractor goals on two (2) Miami-Dade Park and Recreation Department projects remained.

Recalculation of Make-Up Plan Requested by Budget

According to SBD staff, the SBD revisited the September 7, 2007, Notice of Violation (40070103006) reviewing additional information submitted by Budget and subsequent information requested from the Parks and Recreation Department. The deficit was recalculated based on the final paid amount reported by the Parks and Recreation Department of \$1,646,173.60 less \$43,588.40 (for permit costs of \$11,040.53 and a contingency item valued at \$32,547.87). The revised goal requirement was \$432,698 in which \$58,412 was achieved. Budget's revised CSBE deficit on this project is \$374,286.00 and the revised make-up is \$748,572.01.

- **Budget's original make-up amount was \$993,891.40 (\$823,316.00 (40070103006) + \$170,575.40 (400701-05-004)), and now is \$919,147.41 (\$748,572.01 + \$170,575.40), a difference of \$74,743.99.**

Background and Relevant Information

Currently under § 10-33.02 of the Code of Miami-Dade County, a contractor who is awarded a County contract, determined to be appropriate for CSBE participation, is required to fulfill CSBE goals as established by the County. Failure to achieve the CSBE participation goals may subject the contractor to a variety of sanctions including suspension, work stoppage, termination/cancellation of the contract, and debarment.

In addition, the existing Code states that contractors who fail to fulfill the participation goal may also be ineligible to receive future contracts unless they agree to make up the deficit by having the CSBE perform equal to double the dollar value of the deficiency (the Make-up Goal).

Legislative History

On June 2, 2009, BCC, through Ordinance 09-41², approved additional parameters for future contracts and the applied penalties for failing to meet an established CSBE goal. Also, failure to include the required Schedule of Intent Affidavit for any future contracts will result in the submittal of a bid or a proposal being deemed nonresponsive.

² Contract language will provide that in order to be eligible for future county contracts, a contractor who fails to meet an established CSBE goal will submit a CSBE Make-up Plan for the approval of the Director. A Make-up Plan and a corresponding Schedule of Intent Affidavit must be submitted as part of any bid or proposal submitted for future contracts at the time of bid or proposal submittal.

Any contractor subject to an approved Make-up Plan that fails to comply with any of the material terms of that Make-up plan, without good cause, will be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a six (6) month period. A contractor that fails to comply with any of the material terms of a second Make-up plan, without good cause, will be subject to an automatic suspension from bidding and/or otherwise participating on County contracts as a prime or subcontractor for a one (1) year period.

- At the June 2, 2009, BCC meeting, concerns were raised that firms could continue to violate the CSBE policies and accept another County contract if they agree to an approved make-up plan.

The violations by Budget occurred before the additional parameters above were approved. However, if Budget incurred new violations, the penalties approved would be imposed.

Prepared by: Michael Amador-Gil & Jason T. Smith