


# Memorandum



**Date:** June 4, 2013

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

Agenda Item No. 8(L)(8)

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Change Order No. 1 and Final (Retroactive) for the People's Transportation Plan (PTP) Project entitled Roadway Improvements along SW 62 Avenue from SW 24 Street to NW 7 Street, Located within Commission District 6 (Project No. 20060469 PTP ESP; Contract No. 20060469), to Acosta Tractors, Inc.

## Recommendation

The attached Change Order No. 1 and Final (Retroactive) for a contract between Acosta Tractors, Inc. and Miami-Dade County has been prepared by the Public Works and Waste Management Department (PWWM) and is recommended for approval.

**CHANGE ORDER NUMBER:** 1 and Final

### Scope

**PROJECT NAME:** PTP Roadway Improvements along SW 62 Avenue from SW 24 Street to NW 7 Street

**PROJECT NO:** 20060469 PTP ESP

**CONTRACT NO:** 20060469

**PROJECT DESCRIPTION:** The work performed under this contract consisted of, but was not limited to, furnishing all supervision, labor, required materials, equipment and tools to perform all operations necessary for pavement reconstruction and traffic operational improvements to the existing two-lane roadway along SW 62 Avenue, from SW 24 Street to NW 7 Street. Improvements included a continuous storm drainage system, new pavement markings, roundabouts, curb and gutters, new sidewalks, landscaping, signage, street lighting and traffic signalization.

**PROJECT LOCATION:** SW 62 Avenue from SW 24 Street to NW 7 Street

**PRIMARY COMMISSION DISTRICT:** District 6 Commissioner Rebeca Sosa

**APPROVAL PATH:** Board of County Commissioners  
Economic Stimulus Plan

**USING DEPARTMENT:** Public Works and Waste Management

**MANAGING DEPARTMENT:** Public Works and Waste Management

**Fiscal Impact / Funding Source**

**FUNDING SOURCE:** Charter County Transit System Surtax, PTP Bond Program. This Change Order does not create an additional impact on current or future annual County budgets.

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

**PTP FUNDING:** Yes

**GOB FUNDING:** No

**ARRA FUNDING:** No

**CHANGE ORDER DESCRIPTION:** Extend the contract time by 218 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 218 calendar days due to the following:

During the course of construction additional coordination was required with Florida Power and Light (FPL), American Telephone and Telegraph (AT&T), Comcast, and the Miami-Dade County Water and Sewer Department (WASD) due to unforeseen conflicts with underground utilities. Delays were caused by the need to relocate the utilities, as well as the redesign of affected project components within the limits of construction. This delayed the Contract by 91 calendar days.

Additionally, coordination with the City of West Miami (City) took place in order to address the replacement of a failing City owned water main within the Contract's limits of construction. The existing poor condition of the water main was exacerbated by the project's construction activities. This additional work requested by the City, delayed the Contract by 61 calendar days and was paid to the Contractor from the Contract's contingency funds.

Furthermore, in an effort to benefit from the Contract's competitive prices and cause the least amount of disruption to the area's residents, PWWM requested that the Contractor perform additional work at the northern terminus of the Project to address drainage improvement needs in the area. An increase in time was necessary in order to allow for the design and installation of an additional drainage system along the north side of Tamiami Canal Road, the design and installation of an additional conflict structure at NW 5 Street, and the design and installation of a required asphalt over-build at the intersection of NW 62 Avenue and Tamiami Canal Road. This additional work delayed the Contract by 90 calendar days and was paid from the Contract's contingency funds.

Finally, the Contract was delayed by 30 calendar days on account of severe weather conditions, including Tropical Storm Nicole, which restricted the ability of the Contractor to work on the site.

The project has been delayed a total of 272 calendar days, of which 54 days were

granted through the contingency time included in the Contract, netting 218 calendar days requested in this Change Order. Compensation for delays to the Contractor in the amount of \$274,855.23 were established in accordance with the Florida Department of Transportations' Standard Specification for Road and Bridge Construction 2004 Edition, Section 5-12.6.2.2, and are being paid through the contingency funds included in the Contract. Compensable time was granted to the Contractor as justified above for design modifications to address unforeseen field conditions, along with changes requested by the Department to respond to residents' concerns. The construction of the project was completed with an overall savings of \$611,753.01.

This Change Order also addresses the utilization of dedicated allowances which exceed that stated in the recommendation for award. This was due to significant changes in the market conditions regarding the price of asphalt, and the need for additional police presence during construction activities from that originally contemplated for the contract.

	<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>
<b>BASE:</b>	\$7,474,889.88	\$0.00	\$ 0.00	\$7,474,889.88	\$6,814,999.24	\$659,890.64
<b>CONTINGENCY:</b>	\$747,488.99	\$0.00	\$0.00	\$747,488.99	\$655,041.52	\$92,447.47
<b>DEDICATED:</b>	<u>\$294,947.80</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$294,947.80</u>	<u>\$435,532.90</u>	<u>\$-140,585.10</u>
<b>TOTALS:</b>	\$8,517,326.67	\$0.00	\$ 0.00	\$8,517,326.67	\$7,905,573.66	\$611,753.01

	<u>Original Contract Duration</u>	<u>Previous Adjustments To Duration</u>	<u>This Change Order Duration</u>	<u>Current Totals</u>
<b>BASE DURATION:</b>	540	0	218	758
<b>CONTINGENCY:</b>	<u>54</u>	<u>0</u>	<u>0</u>	<u>54</u>
<b>TOTAL DURATION:</b>	594	0	218	812

**INITIATING FACTOR(S) FOR CHANGE ORDER**

<u>Reason</u>	<u>Cost</u>	<u>Duration</u>
Unforeseen Conditions	\$ 0.00	108
County Requested Change	<u>\$ 0.00</u>	<u>110</u>
	\$ 0.00	218

**Track Record / Monitor**

**PERFORMANCE RECORD:** PWWM has reviewed the Capital Improvements Information System (CIIS) database for contractor's performance and found that it reflects nine (9) contracts awarded and 11 evaluations given with an average rating of 3.5 out of a possible 4.0 points (3.0 is satisfactory performance).

**PRIME CONTRACTOR:** Acosta Tractors, Inc.

**COMPANY PRINCIPAL:** Felix Acosta, Mayra Acosta and Alejandro Ros

**COMPANY QUALIFIERS:** Felix Acosta

**COMPANY EMAIL ADDRESS:** [felix@acostatractors.com](mailto:felix@acostatractors.com)

**COMPANY STREET ADDRESS:** 11986 NW 97 Avenue

**COMPANY CITY-STATE-ZIP:** Hialeah Gardens, Florida 33018-1608

**YEARS IN BUSINESS AT TIME OF AWARD:** 34 years

**PREVIOUS CONTRACTS WITH COUNTY IN THE LAST FIVE YEARS AT TIME OF AWARD:** According to the Firm History Report as provided by the Department of Regulatory and Economic Resources, the Contractor has been awarded six (6) contracts totaling \$23,877,926.61.

**SUB CONTRACTORS AND SUPPLIERS (SECTION 10-34 MIAMI DADE COUNTY CODE):** PSI, Construct Group Corp., Ranger Construction South, R&D, Jack Concrete, Jenny Sod, High Tech Stripping, Boreman, Luis Milling, Ferguson Enterprises, Inc., White Rock Quarries, Barreiro Concrete, Concrete Supermix.

REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:	TYPE	GOAL	ESTIMATED	
			VALUE	ACHIEVED
	CSBE	22%	\$1,808,923.35	\$1,610,142.37 (see page 5)
	CWP	10%	2	3

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

**PROJECT MANAGER NAME / PHONE / EMAIL:** Pedro M. Marsan (305) 281-9062 marsan@miamidade.gov

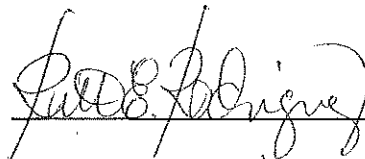
**BACKGROUND:**

This project was specifically listed in the PTP as one of the Board requested improvement projects. The project will include a new storm drainage system that will alleviate flooding, provide on-street parking, improve traffic safety by constructing roundabouts for traffic calming, enhance the aesthetics of the corridor with new landscaping and decorative lighting.

This contract's Notice to Proceed was effective on August 17, 2009, and the contract duration was 540 calendar days. The original expiration date was February 8, 2011. A contingency time extension of 54 days was granted, bringing the revised contract expiration date to April 3, 2011. This Change Order extends the contract time by 218 calendar days, bringing the final expiration date of this contract to November 7, 2011. As referenced above, compensable time was paid to the Contractor to address unforeseen conflicts which affected the project's construction. Extensive negotiations took place, leading to the agreed upon expiration date and associated compensation, subsequently delaying the processing of this Change Order request.

This project was awarded with a 22% CSBE goal of \$1,808,923.35. CSBE firms were paid \$1,610,142.37 or 21.6% of the contract amount. Small Business Development (SBD) under the Business Affairs Division of the Department of Regulatory and Economic Resources reviewed the work and quantities paid and found that Acosta had good cause for not meeting the overall Schedule of Intent commitment and is therefore excused from the remaining value of the CSBE goal on this project. In particular, a number of items which were originally scheduled to be completed by Construct Group Corp. (CGC), a CSBE firm, were reduced or eliminated. Additionally, CGC was not available to perform flatwork items due to other commitments. This reduced the overall scope of work available to CGC. CGC advised SBD in writing that this resulted from a scheduling issue on their part and did not have a negative impact to the firm.

DEPARTMENT  
FINANCE:

  
\_\_\_\_\_  
FINANCE OFFICER

4/11/13  
\_\_\_\_\_  
DATE

INDEX CODE:

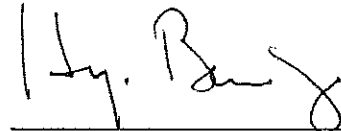
CPEPTP60662A

BUDGET APPROVAL  
FUNDS AVAILABLE:


  
\_\_\_\_\_  
OMB DIRECTOR

4/15/13  
\_\_\_\_\_  
DATE

APPROVED AS TO  
LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
COUNTY ATTORNEY

4/15/13  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
DEPUTY MAYOR

4/26/13  
\_\_\_\_\_  
DATE

CLERK

\_\_\_\_\_  
DATE



# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** June 4, 2013

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

**SUBJECT:** Agenda Item No. 8(L)(8)

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 Mayor'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(L)(8)  
6-4-13

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL FOR A CONTRACT BETWEEN MIAMI-DADE COUNTY AND ACOSTA TRACTORS, INC., FOR A PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG SW 62 AVENUE FROM SW 24 STREET TO NW 7 STREET, LOCATED WITHIN COMMISSION DISTRICT 6 (PROJECT NO 20060469 PTP ESP; CONTRACT NO. 20060469), EXTENDING THE CONTRACT BY 218 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 for a Contract between Miami-Dade County and Acosta Tractors, Inc., for a Public Works and Waste Management Department project entitled Roadway Improvements along SW 62 Avenue from SW 24 Street to NW 7 Street, located within Commission District 6 (Project No. 20060469 PTP ESP; Contract No. 20060469), extending the Contract by 218 calendar days.



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:

Rebeca Sosa, Chairwoman  
Lynda Bell, Vice Chair

Bruno A. Barreiro  
Jose "Pepe" Diaz  
Sally A. Heyman  
Jean Monestime  
Sen. Javier D. Souto  
Juan C. Zapata

Esteban L. Bovo, Jr.  
Audrey M. Edmonson  
Barbara J. Jordan  
Dennis C. Moss  
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 4<sup>th</sup> day of June, 2013. 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

HDB

**MIAMI-DADE COUNTY, FLORIDA**  
**PUBLIC WORKS AND WASTE MANAGEMENT**  
**CHANGE ORDER TO ORIGINAL CONTRACT**



**CHANGE ORDER NO:** 1 and Final **CONTRACT NO:** 20060469 **DATE:** 2/9/2012  
**PROJECT TITLE:** PTP Roadway Improvements along SW 62 Avenue, from SW 24 Street to NW 7 Street  
**TO CONTRACTOR:** Acosta Tractors Inc. 11986 NW 97 Avenue Hialeah Gardens, Florida 33018

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

**Description of work authorized:** Extend the contract time by 218 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 218 calendar days due to the following:  
 During the course of construction additional coordination was required with Florida Power and Light (FPL), American Telephone and Telegraph (AT&T), Comcast, and the Miami-Dade County Water and Sewer Department (WASD) due to unforeseen conflicts with underground utilities. Delays were caused by (Continued below)

This change order includes not only all direct costs of contractor such as labor, material, job overhead, and profit markup; but also includes any costs for modifications or changes in sequence of work to be performed, delays, rescheduling, disruption, extended direct overhead or general overhead, acceleration, material or other escalation which include wages and other impact costs.

Contractor hereby waives, fully releases, discharges and acquits Miami-Dade County of any and all liability for claims, additional costs, and any requests for additional time arising out of the fulfillment of the contract and this change order from the date of the contract award to and including execution of this change order.

**SUMMARY OF CONTRACT AMOUNT / TIME**

ORIGINAL CONTRACT AMOUNT-----	\$8,517,326.67
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$8,517,326.67
COST OF CHANGES WITH THIS DOCUMENT-----	\$0.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$8,517,326.67
PERCENT INCREASE WITH THIS CHANGE-----	0%
TOTAL PERCENT INCREASE TO DATE-----	0%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	540 / 0 / 218
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	54 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	812

**CERTIFYING STATEMENT:** *The Contractor certifies that the changes and supporting cost data included is in its considered opinion necessary and accurate and that the prices quoted are fair and reasonable.*

<u>Organization</u>	<u>Accepted By:</u>	<u>Title</u>	<u>Date</u>
Acosta Tractors Inc.		Contractor	4/9/13
Hartford Accident and Surety Indemnity Company		Surety	4/9/13
	Charles J. Nielson, Attorney In Fact		

<u>Title</u>	<u>Name</u>	<u>Date</u>
Approved By: <b>County Attorney</b> (for legal sufficiency)		4/15/13
Approved By: Deputy Mayor		4/26/13
Attested By: Clerk of the Board	_____	_____

**Time Justification: (Continued)**

the need to relocate the utilities, as well as the redesign of affected project components within the limits of construction. This delayed the Contract by 91 calendar days.

Additionally, upon a City of West Miami (City) request, coordination was required to address the replacement of a failing City owned water main within the Contract's limits of construction. The existing poor condition of the water main was exacerbated by the project's construction activities. This additional work

requested by the City, delayed the Contract by 61 calendar days and was paid to the Contractor from the Contract's contingency funds.

Furthermore, in an effort to benefit from the Contract's competitive prices and cause the least amount of disruption to the area's residents, PWWW requested that the Contractor perform additional work at the northern terminus of the Project to address drainage improvement needs in the area. An increase in time was necessary in order to allow for the design and installation of an additional drainage system along the north side of Tamiami Canal Road, the design and installation of an additional conflict structure at NW 5 Street, and the design and installation of a required asphalt over-build at the intersection of NW 62 Avenue and Tamiami Canal Road. This additional work delayed the Contract by 90 calendar days and was paid from the Contract's contingency funds.

Finally, the Contract was delayed by 30 calendar days on account of severe weather conditions, including Tropical Storm Nicole, which restricted the ability of the Contractor to work on the site.

The project has been delayed a total of 272 calendar days, of which 54 days were granted through the contingency time included in the Contract, netting 218 calendar days requested in this Change Order. Compensation for delays to the Contractor in the amount of \$274,855.23 were established in accordance with the Florida Department of Transportation's Standard Specification for Road and Bridge Construction 2004 Edition, Section 5-12.6.2.2, and are being paid through the contingency funds included in the Contract. Compensable time was granted to the Contractor as justified above for design modifications to address unforeseen field conditions, along with changes requested by the Department to respond to residents' concerns. The construction of the project was completed with an overall savings of \$611,753.01.

**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.

# POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-4

One Hartford Plaza

Hartford, Connecticut 06155

call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Code: 21-229752

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
- Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
- Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, up to the amount of unlimited:

Charles J. Nielson, Mary C. Aceves, Charles D. Nielson, Joseph Penichet Nielson, David R. Hoover  
of  
Miami Lakes, FL

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on August 1, 2009 the Companies have caused these presents to be signed by its Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*Wesley W. Cowling*

Wesley W. Cowling, Assistant Secretary

*M. Ross Fisher*

M. Ross Fisher, Vice President

STATE OF CONNECTICUT }  
COUNTY OF HARTFORD } ss. Hartford

On this 12<sup>th</sup> day of July, 2012, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

*Kathleen T. Maynard*

Kathleen T. Maynard  
Notary Public

My Commission Expires July 31, 2016

I, the undersigned, Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of April 9, 2013.

Signed and sealed at the City of Hartford.



*Gary W. Stumper*

Gary W. Stumper, Vice President

STRATEGIC AREA: Transportation  
 DEPARTMENT: Public Works and Waste Management

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

**IMPROVEMENTS ON SW 264 STREET FROM US-1 TO SW 137 AVENUE** PROJECT # 6010440

DESCRIPTION: Construct curbs, gutters, and traffic operational improvements on one mile of roadway

LOCATION: SW 264 St from US-1 to SW 137 Ave  
 Unincorporated Miami-Dade County

DISTRICT LOCATED: 9  
 DISTRICT(s) SERVED: 9

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
People's Transportation Plan Bond Program	351	656	2,800	936	0	0	0	0	4,743
Charter County Transit System Surtax	68	0	0	0	0	0	0	0	68

<b>TOTAL REVENUE:</b>	<b>419</b>	<b>656</b>	<b>2,800</b>	<b>936</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,811</b>
-----------------------	------------	------------	--------------	------------	----------	----------	----------	----------	--------------

EXPENDITURE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
Planning and Design	419	56	0	0	0	0	0	0	475
Construction	0	600	2,800	936	0	0	0	0	4,336

<b>TOTAL EXPENDITURES:</b>	<b>419</b>	<b>656</b>	<b>2,800</b>	<b>936</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,811</b>
----------------------------	------------	------------	--------------	------------	----------	----------	----------	----------	--------------

**IMPROVEMENTS ON SW 62 AVENUE FROM SW 24 STREET TO NW 7 STREET** PROJECT # 602840

DESCRIPTION: Construct street improvements on two miles of roadway

LOCATION: SW 62 Ave from SW 24 St to NW 7 St  
 Unincorporated Miami-Dade County

DISTRICT LOCATED: 6  
 DISTRICT(s) SERVED: 6

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
People's Transportation Plan Bond Program	9,767	100	0	0	0	0	0	0	9,867
Charter County Transit System Surtax	112	0	0	0	0	0	0	0	112

<b>TOTAL REVENUE:</b>	<b>9,879</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9,979</b>
-----------------------	--------------	------------	----------	----------	----------	----------	----------	----------	--------------

EXPENDITURE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
Planning and Design	610	0	0	0	0	0	0	0	610
Construction	9,269	100	0	0	0	0	0	0	9,369

<b>TOTAL EXPENDITURES:</b>	<b>9,879</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9,979</b>
----------------------------	--------------	------------	----------	----------	----------	----------	----------	----------	--------------

**INTERSECTION IMPROVEMENT SW 144 STREET AND SW 92 AVENUE** PROJECT # 609570

DESCRIPTION: Construct intersection improvements.

LOCATION: SW 144 St and 92 Ave  
 Unincorporated Miami-Dade County

DISTRICT LOCATED: 8  
 DISTRICT(s) SERVED: 8

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
Road Impact Fees	500	0	0	0	0	0	0	0	500

<b>TOTAL REVENUE:</b>	<b>500</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>500</b>
-----------------------	------------	----------	----------	----------	----------	----------	----------	----------	------------

EXPENDITURE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
Construction	400	100	0	0	0	0	0	0	500

<b>TOTAL EXPENDITURES:</b>	<b>400</b>	<b>100</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>500</b>
----------------------------	------------	------------	----------	----------	----------	----------	----------	----------	------------



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources  
Small Business Development

111 NW 1 Street, 19<sup>th</sup> Floor  
Miami, Florida 33128  
T 305-375-3111 F 305-375-3160

February 25, 2013

Mr. Felix Acosta, President  
Acosta Tractors, Inc.  
11986 N.W 97<sup>th</sup> Avenue  
Hialeah Gardens, FL 33018

Via E-Mail  
felix@acostatractors.com

**NOTICE OF INTENT TO VIOLATE**

Re: Project No. 20060469, Roadway Improvements along SW 62<sup>nd</sup> Avenue from SW 24<sup>th</sup> to NW 7<sup>th</sup> Street

Dear Mr. Acosta:

Small Business Development (SBD) under the Business Affairs Division of the Department of Regulatory and Economic Resources is responsible for monitoring awarded contracts for compliance with the Community Small Business Enterprise (CSBE) Program, §10-33.02 of the Code of Miami-Dade County. Pursuant to the CSBE Program, a subcontractor goal is a portion of a prime contract value stated as a percentage to be subcontracted to a CSBE to perform a commercially useful function. Reduction of the scope of work of a CSBE meeting a goal without prior approval from SBD is a contractual violation that may result in the imposition of sanctions.

The subject project was awarded to Acosta Tractors, Inc. (Acosta) with a 22% CSBE goal. Acosta submitted a Schedule of Intent Affidavit for R&D Electric, Inc. to perform 20.77% in electric work and Construct Group Corp. to perform concrete work for 1.23% or \$91,881.50 (1.23% x \$7,470,040 final paid on base plus contingency) in CSBE participation. Payments to Construct Group Corp. totaled \$40,305.18 and resulted in a \$51,576.32 deficit on the SOI commitment. Acosta exceeded its commitment to R&D Electric, Inc. by \$18,309.72 and this amount can be used to reduce the overall deficit when calculating a make-up amount, if applicable.

In accordance with the CSBE Program, should a contractor fail to achieve the established CSBE measure on a contract, their eligibility to receive any future County contracts will be conditioned upon the bidder making up the deficit by having a CSBE perform equal to double the dollar value of the CSBE deficiency on the prior contract. SBD hereby reserves the right to issue a Notice of Violation to Acosta for non-compliance with the CSBE goal. Before the issuance of a Notice of Violation on this matter, which will be recorded on Acosta's official record, you have an opportunity to provide us with any information you may have to refute these findings. Please provide a response by March 11, 2013.

Should you have any questions, please contact Myrtle Richards, Compliance Officer at (305) 375-3156.

Sincerely,

Alice Hidalgo-Gato, Director of Contract Monitoring and Compliance  
Small Business Development, Business Affairs Division

c: Alejandro Martinez-Esteve, PWWM  
Leo Salgueiro, Constr. Manager, PWWM  
Bassam Moubayed, PWWM

Mario Goderich, Assistant Director, RER  
Veronica Clark, Assistant to the Dir., SBD, RER  
CMC NOI V File

*Delivering Excellence Every Day*

T:\CCDM\0 MYRTLE\NOTICE OF INTENT TO VIOLATE CSBE\20060469 Acosta 2-22-2013.docx

# Memorandum



**Date:** February 26, 2013

**To:** Kathleen Woods-Richardson, Director  
Public Works and Waste Management Department

**From:** Mario Goderich, Assistant Director  
Business Affairs Division,  
Department of Regulatory and Economic Resources

**Subject:** Project No. 20060469, Roadway Improvements along SW 62<sup>nd</sup> Avenue from SW 24 Street to NW 7<sup>th</sup> Street

---

The subject project was reviewed by Small Business Development (SBD), under the Business Affairs Division of the Department of Regulatory and Economic Resources for compliance with the 22% Community Small Business Enterprise (CSBE) goal and 10% Community Workforce Program (CWP). To date, Community Small Business Enterprises meeting the goal have been paid \$1,610,142.37 or 21.6% based on paid to date amounts to the prime for base plus contingency. SBD has addressed the \$33,266 deficit with the prime; a make-up may be issued if warranted. The 10% Community Workforce Program goal required two (2) employees and was achieved with three (3) employees.

Please do not hesitate to contact Veronica Clark, Assistant to the Director at 305-375-4770 if you need additional information.

c: Alejandro Martinez-Esteve, PTP Coordinator, PWWM  
Alice Hidalgo-Gato, CMC Division Director, SBD, RER  
Traci Adams-Parrish, Administrative Officer 2, SBD, RER



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources
Small Business Development
111 NW 1 Street, 19th Floor
Miami, Florida 33128
T 305-375-3111 F 305-375-3160

March 22, 2013

Mr. Felix Acosta, President
Acosta Tractors, Inc.
11986 N.W 97th Avenue
Hialeah Gardens, FL 33018

Via E-Mail
fpacosta@acostatractors.com

Re: Project No. 20060469, Roadway Improvements along SW 62nd Avenue from SW 24th to NW 7th Street

Dear Mr. Acosta:

Small Business Development (SBD) under the Business Affairs Division of the Department of Regulatory and Economic Resources reviewed the documents submitted in response to the February 25, 2013 Notice of Intent to Violate (NOIV) issued to Acosta Tractors, Inc. (Acosta) for not meeting its Community Small Business Enterprise (CSBE) commitment to Construct Group Corp. to perform concrete work for 1.23% or \$91,881.50 of the referenced contract. Payments to Construct Group Corp. (CGC) totaled \$40,305.18 which resulted in a \$51,576.32 deficit on the SOI commitment to CGC, and an overall deficit of \$33,266.60 on the project.

SBD reviewed the work specified in Exhibits A and B of CGC's contract and the quantities paid for these items in the Project Requisition and Payment Certificate and found that the County paid \$1,524,239.84 for these items. In correspondence dated March 18, 2013, CGC reported that it was not available to perform the "flatwork" items included in Exhibit B. Based on the unavailability of CGC, Acosta had good cause for meeting the SOI commitment and is hereby excused from not meeting the CSBE goal on this project. The Notice of Intent to Violate is hereby closed.

Sincerely,

Alice Hidalgo-Gato, Director of Contract Monitoring and Compliance
Small Business Development, Business Affairs Division

c: Jorge I. Pulles, Vice President, Construct Group Corp.
Leo Salgueiro, Constr. Manager, PWWM
Bassam Moubayed, PWWM
Alejandro Martinez-Esteve, PWWM

Mario Goderich, Assistant Director, RER
Veronica Clark, Assistant to the Dir., SBD, RER
CMC NOIV File

Delivering Excellence Every Day





**MIAMI DADE COUNTY**  
**Department of Small Business Development**  
**Firm History Report**

**FIRM NAME:** ACOSTA TRACTORS INC  
 11986 NW 97th Ave  
 Hialeah Gardens, FL 33018-0000

From: 02/11/2008 To: 02/11/2013

PRIMES

PROJECT #	CONTRACT	DEPT	MEASURES	AWARD DATE	AWARD AMOUNT
20040355-1	1	PW	GOAL CSBE 18.23%	05/07/2008	\$1,585,762.04
JOINT PARTICIPATION AGREEMENT (JPA) FOR THE CITY OF DORAL AT NW 107TH AVENUE FROM NW 71ST STREET TO NW 74TH STREET (SIC 16)					

* 20070735	1	PW	GOAL CSBE 16%	11/20/2008	\$1,202,229.21
SW 180TH STREET FROM 147 TO 137 AVENUE (SIC 16)					
Change Order #	1	MAY-04-10	60 days		\$0.00
					\$1,202,229.21

20070826	1	PW	GOAL CSBE 15%	01/22/2009	\$10,007,270.12
SW 157 AVENUE FROM SW 136 STREET TO SW 120 STREET (SIC 16)					
Change Order #	1	APR-03-12	145 days		\$0.00
					\$10,007,270.12

20060469	1	PW	GOAL CSBE 22%	06/30/2009	\$8,517,326.67
SW 62ND AVENUE FROM SW 24TH STREET TO NW 7TH STREET (SIC 16)					
					\$8,517,326.67

20110194	1	PW	GOAL CSBE 22.57%	11/09/2012	\$13,033,315.61
PTP ROADWAY IMPROVEMENTS NW 87 AVE FROM NW 154 ST TO NW 188 ST (SIC 16)					
					\$13,033,315.61

\* Indicates closed or expired contracts  
 Disclaimer: Payments shown may not reflect current information  
 Monday, February 11, 2013



**MIAMI DADE COUNTY**  
**Department of Small Business Development**  
**Firm History Report**

**FIRM NAME:** ACOSTA TRACTORS INC

11986 NW 97th Ave  
 Hiialeah Gardens, FL 33018-0000

From: 02/11/2008 To: 02/11/2013

PRIMES

PROJECT #	CONTRACT	DEPT	MEASURES	AWARD DATE	AWARD AMOUNT
Total Award Amount					\$34,345,903.65
Total Change Orders Approved by BCC					\$0.00
					<u>\$34,345,903.65</u>

\* Indicates closed or expired contracts  
 Disclaimer: Payments shown may not reflect current information  
 Monday, February 11, 2013