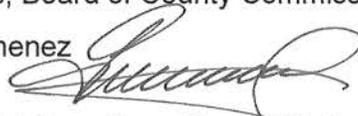


Memorandum



Date: November 19, 2013

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

From: Carlos A. Gimenez
Mayor 

Subject: Supplemental Information: Change Order No. 1 and Final PortMiami Project No. 2011-014.05, Cruise Terminal D Expansion

On August 27, 2013, the Economic Development & PortMiami Committee forwarded with a favorable recommendation Change Order No. 1 and Final to the PortMiami Contract No. 2011-014.03 with Munilla Construction Management, LLC., (MCM) for certain improvements to Cruise Terminal D. The item was then requested for deferral from the October 1, 2013 Board agenda as a result of preliminary information provided by the Department of Audit and Management Services (AMS).

A comprehensive compliance review was subsequently conducted by the Department of Regulatory and Economic Resources (RER) Division of Small Business Development (SBD). The project was reviewed for compliance with the 10.47% Community Small Business Enterprise (CSBE) goal, 11.5% Community Workforce Program (CWP) goal, and the Responsible Wage and Benefits requirements.

Results of SBD's comprehensive compliance review are as follows:

- With a total payment after Change Order No. 1 for base plus contingency of \$7,7790,238.10, requiring CSBE participation of \$815,637.93 or 10.47%, MCM has exceeded the goal with CSBE participation of \$917,202.84 or 11.77%;
- With a total CWP applicable workforce of 74, the required utilization was 9 employees from the designated target area. MCM is in compliance with the CWP requirement;
- It has been determined that eleven (11) subcontractors on this contract may have underpaid thirty-four (34) employees for a total value of \$23,535.68.

Proof of benefits and/or additional payments to employees has been requested and may reduce the total amount due. SBD will review this information once received. In the interim, PortMiami will withhold \$23,535.68 (which is the maximum amount identified) from final payment to MCM in order to protect any wages that may be due to employees. Once SBD completes its review of benefits information, a notice of violation for any underpayments to employees will be issued to each subcontractor. If payments due are not made by subcontractors within thirty days of receipt of the notice of violation, SBD will request that PortMiami transfer funds to SBD's Trust Account for disbursement to employees.



Jack Osterholt, Deputy Mayor