Memorandum

MIAMI-DADE COUNTY

Date: February 4, 2014

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

Agenda Item No. 8(F)(6)

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Change Order No. 1 to the Design-Build Agreement with Siemens Industry, Inc. in the Amount of $700,000 for the Design-Build Services of the Fire Alarm and Building Management Systems Replacement/SPCC East Stairwell Pressurization Project

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Recommendation

It is recommended that the Board of County Commissioners (Board) authorize Change Order No. 1 to the design-build agreement between Miami-Dade County and Siemens Industry, Inc. for the *Stephen P. Clark Center (SPCC), Cultural Center, and Central Support Facility Fire Alarm and Building Management Systems Replacement/SPCC East Stairwell Pressurization* project. This Change Order is to increase the original contract amount by $700,000 and add 365 days to the original contract term.

The $700,000 increase in the contract amount as well as the associated extension of 365 days is required to address two issues, described briefly below and in further detail in the Background Section of this memorandum.

1. During final inspections, the City of Miami Fire Marshall required that certain fire alarm system requirements be addressed in order to comply with the current Florida Building Code. The additional cost to meet these requirements is $546,050 and 305 days.
2. During construction of the project, the Information Technology Department (ITD) noted that several supply fans would need to be relocated to avoid potential radio interference with existing ITD systems. The additional cost for this change is $153,950 and an additional time of 60 days.

Scope

This project is located in Commission District 5, which is represented by Commissioner Bruno A. Barreiro.

Fiscal Impact/Funding Source

The total fiscal impact of this change order is $700,000, which will be covered from funding that remains within the current project's Building Better Communities General Obligation Bond (BBC-GOB) Program allocation.

Delegated Authority

The County Mayor or County Mayor's designee has the authority to execute, implement and exercise the one-year option to renew period for this contract.

Track Record/Monitor

The Project Manager is Jorge Plasencia, P.E., in the Design and Construction Services Division of the Internal Services Department.

Background

This project totaling $10,162,432 was awarded by the Board on April 7, 2009 with the BBC-GOB Program being the sole funding source (Legistar 090340). At the time this contract was nearing completion and final inspections were being conducted, the City of Miami Fire Marshall required that all controlled dampers tied into the fire alarm system be provided with the necessary damper end switches to accomplish "end of process verification." The City of Miami has indicated that the condition of the dampers is critical in a high-rise building such as the SPCC. The installation of the necessary devices

will alert building personnel to potential damper malfunctions prior to failure during an actual fire alarm event, and ensure that the SPCC smoke control system is functioning properly. While this requirement meets the current Florida Building Code, it was not a code requirement at the time of award of this contract.

Additionally, during construction, ITD discovered that the proposed location for the installation of the various supply fans posed a potential risk of radio interference with existing ITD systems. As such, and in conjunction/consultation with ITD, the supply fans will be relocated from the SPCC service elevator machine room roof to a lower level location.

The project is estimated to be substantially completed in October 2014.

Edward Marquez
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: February 4, 2014

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

SUBJECT: Agenda Item No. 8(F)(6)

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(F)(6)
2-4-14

RESOLUTION NO. _____

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE DESIGN-BUILD AGREEMENT BETWEEN MIAMI-DADE COUNTY AND SIEMENS INDUSTRY, INC. FUNDED BY BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDS IN THE AMOUNT OF $700,000 FOR DESIGN-BUILD SERVICES FOR THE STEPHEN P. CLARK CENTER (SPCC), CULTURAL CENTER (CC), AND CENTRAL SUPPORT FACILITY (CSF) FIRE ALARM AND BUILDING MANAGEMENT SYSTEMS REPLACEMENT/SPCC EAST STAIRWELL PRESSURIZATION, ISD PROJECT NO. Z00062/Z00063/Z00064 (ORIGINALLY GSA CONTRACT NO. Z00062/Z00063/Z00064); AUTHORIZES A TIME EXTENSION OF 365 DAYS TO THIS AGREEMENT; AND AUTHORIZES THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MODIFY CHANGE ORDER NO. 1 AS NEEDED AND TO EXERCISE ANY AND ALL RIGHTS CONFERRED THEREIN

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 authorizes the County Mayor or the County Mayor's designee to execute Change Order No. 1 to the design-build agreement between Siemens Industry, Inc. in the amount of $700,000 and for design-build services for the Stephen P. Clark Center (SPCC), Cultural Center (CC), and Central Support Facility (CSF) Fire Alarm and Building Management Systems Replacement/SPCC East Stairwell Pressurization, ISD Project No: Z00062/Z00063/Z00064 (originally GSA Contract No. Z00062/Z00063/Z00064), substantially in the form attached hereto and made a part hereof; authorizes a time extension of 365 days of this agreement; and authorizes the County Mayor or County Mayor's designee to exercise any cancellation and renewal provisions therein.

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	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of February, 2014. 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.

Eduardo W. Gonzalez

Bond No. 82290090/9064825

MIAMI-DADE COUNTY, FLORIDA

INTERNAL SERVICES DEPARTMENT

CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO: 1 **CONTRACT NO:** Z00062/63/64 **DATE:** 10/31/2013

PROJECT TITLE: Stephen P. Clark Center (SPCC), Cultural Center (CC) and Central Support (CS) Fire Alarm and Building Management Systems Replacement/SPCC East Stair Well Pressurization (Original Contract No. GSA Z00062/Z00063/Z00064 awarded on 5/13/2009)

TO CONTRACTOR: Siemens Industry, Inc. 3021 North Commerce Pkwy. Miramar, FL 33025

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: Installation and relocation of the following:
1. Furnish and Install Siemens supplied damper position switches at 300 existing damper locations. (Continued below)

Monetary Justification: This change order is to increase the funding and the term of the Contract due to requirements established by the City of Miami Fire Marshall and County requested changes. (Continued below)

Time Justification: Work entails significant amounts of additional labor and materials whose implementation extends past the current contract completion date. (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	$10,162,432
COST OF CHANGES PREVIOUSLY ORDERED	$0
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE	$10,162,432
COST OF CHANGES WITH THIS DOCUMENT	$700,000
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE	$10,862,432
PERCENT INCREASE WITH THIS CHANGE	7%
TOTAL PERCENT INCREASE TO DATE	7%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	1460 / 0 / 365
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	146 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE	1971

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.

Accepted By:			
Organization	Name	Title	Date
Siemens Industry, Inc	George T. Burck, Jr. Director, SOX & ICS	Todd Galimidi Zone Manager Contractor Atlantic	11/14/13
Surety	Federal Insurance Company & Fidelity and Deposit Company of Maryland Aiza Lopez, Attorney-in-Fact & Florida Non-Resident Agent	Surety	11/12/2013

Title	Name	Date
Approved By: **County Attorney** (for legal sufficiency)	EWF	12/9/13
Approved By: **County Mayor**		
Attested By: **Clerk of the Board**		

Description of Work Authorized: (Continued)

Provide wiring and installation of Siemens supplied TRI-M module at 300 existing damper locations. Installation of conduit, wiring, fire alarm relays, and expansion modules as well as fire alarm reprogramming. Testing of all damper position devices. At this time, all original work related to fire replacement at the Stephen P. Clark Center is completed at this time with the exception of the re-commissioning of the smoke control system which is pending the installation of the end of process verification as requested by the City of Miami Fire Marshall.

2. Relocation of proposed supply fans from Stephen P. Clark Center service elevator machine room roof to SPCC roof. Relocation shall include electrical conduit relocation work, mechanical work, concrete cutting and casting, mechanical work, ductwork, roofing flashings for structural steel stands, etc.

Monetary Justification: (Continued)

Item No. 1 - As Item No. 1 - As per a meeting held with the City of Miami Fire Marshall on May 16, 2013, all pneumatic dampers tied into the fire alarm system shall be provided with the necessary damper end switches to accomplish "end of process verification". The City of Miami has indicated that the condition of the dampers is critical in a high-rise building such as the Stephen P. Clark Center. The installation of the necessary devices to accomplish end of process verification will alert building personnel to potential damper malfunctions prior to failure during an actual fire alarm event. Fire alarm relays will be connected to the damper end switches to provide supervisory and trouble signals based upon damper position to ensure that the SPCC smoke control system is functioning properly. This requirement is consistent with the current Florida Building Code and exceeds the original requirements that were in place for Fire Safety at the time of award of this contract. Project schedule and work sequence subject to approval from building management prior to commencement of work by Contractor including after hours. - $546,050.11

Item No. 2 - As per communications with the Miami-Dade County Information Technology Department (ITD), the proposed installation of the supply fans must be relocated from above the rooftop elevator machine room to a point on the lower roof due to potential radio interference with existing ITD systems. - $153,949.89.

Time Justification: (Continued)

Changes were unforeseen, as they were discovered during the course of final inspections and construction. This change order is required to comply with the intent of the original contract, so as to procure a code compliant smoke evacuation system extending to the east stairwell. This work will complete the installations as requested by Miami-Dade County and the City of Miami Fire Marshall. A total of 365 days is required as a time extension to this contract and is further broken down as follows, 305 days is attributed to this additional work following the inspection conducted by the City of Miami Fire Marshall. The additional 60 days is required for the scope of work needed to relocate the proposed supply fans that are in conflict and creating interference with critical ITD equipment.

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.

Chubb Surety	POWER OF ATTORNEY	Federal Insurance Company Vigilant Insurance Company Pacific Indemnity Company	Attn: Surety Department 15 Mountain View Road Warren, NJ 07059

Know All by These Presents, That **FEDERAL INSURANCE COMPANY**, an Indiana corporation, **VIGILANT INSURANCE COMPANY**, a New York corporation, and **PACIFIC INDEMNITY COMPANY**, a Wisconsin corporation, do each hereby constitute and appoint **Francis M. McGarry, Rosalie A. Moresco, Patricia O'Connell and Ann Marie Tinerino of New York, New York; Aiza Lopez, Jeannette Porrini, Stacy Rivera and Elana V. Sanchez of Hartford, Connecticut** ----------

each as their true and lawful Attorney- in- Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said **FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY**, and **PACIFIC INDEMNITY COMPANY** have each executed and attested these presents and affixed their corporate seals on this **13th** day of **May, 2013.**

Dawn M. Chloros, Assistant Secretary

David B. Norris, Jr., Vice President

STATE OF NEW JERSEY
County of Somerset ss.

On this **13th** day of **May, 2013** before me, a Notary Public of New Jersey, personally came Dawn M. Chloros, to me known to be Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros, being by me duly sworn, did depose and say that he is Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY and knows the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of the By- Laws of said Companies; and that he signed said Power of Attorney as Assistant Secretary of said Companies by like authority; and that he is acquainted with David B. Norris, Jr., and knows him to be Vice President of said Companies; and that the signature of David B. Norris, Jr., subscribed to said Power of Attorney is in the genuine handwriting of David B. Norris, Jr., and was thereto subscribed by authority of said By- Laws and in deponent's presence.

Notarial Seal

KATHERINE J. ADELAAR
NOTARY PUBLIC OF NEW JERSEY
No 2316685
Commission Expires July 16, 2014

Notary Public

CERTIFICATION

Extract from the By- Laws of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY:

> "All powers of attorney for and on behalf of the Company may and shall be executed in the name and on behalf of the Company, either by the Chairman or the President or a Vice President or an Assistant Vice President, jointly with the Secretary or an Assistant Secretary, under their respective designations. The signature of such officers may be engraved, printed or lithographed. The signature of each of the following officers: Chairman, President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Assistant Secretaries or Attorneys- in- Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding upon the Company with respect to any bond or undertaking to which it is attached."

I, Dawn M. Chloros, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY (the "Companies") do hereby certify that

(i) the foregoing extract of the By- Laws of the Companies is true and correct.
(ii) the Companies are duly licensed and authorized to transact surety business in all 50 of the United States of America and the District of Columbia and are authorized by the U.S. Treasury Department; further, Federal and Vigilant are licensed in Puerto Rico and the U.S. Virgin Islands, and Federal is licensed in American Samoa, Guam, and each of the Provinces of Canada except Prince Edward Island; and
(iii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Warren, NJ this 12th day of November, 2013

Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO NOTIFY US OF A CLAIM, VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT ADDRESS LISTED ABOVE, OR BY Telephone (908) 903- 3493 Fax (908) 903- 3656
e-mail: surety@chubb.com

Form 15-10- 0225B- U (Ed. 5- 03) CONSENT

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact. The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify of revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, 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 seals of the said Companies, this 12th day of November, 20 13.

Geoffrey Delisio

Geoffrey Delisio, Vice President

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **THOMAS O. MCCLELLAN, Vice President,** in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Jeannette PORRINI, Stacy RIVERA, Aiza LOPEZ and Elana V. SANCHEZ, all of Hartford, Connecticut, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings,** and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND,** this 3rd day of December, A.D. 2012.

ATTEST:

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: _____
Assistant Secretary
Eric D. Barnes

_____
Vice President
Thomas O. McClellan

State of Maryland
City of Baltimore

On this 3rd day of December, A.D. 2012, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **THOMAS O. MCCLELLAN, Vice President, and ERIC D. BARNES, Assistant Secretary,** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

_____
Maria D. Adamski, Notary Public
My Commission Expires: July 8, 2015

POA-F 142-0587E