Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 8(F)(9)

Date: September 1, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Change Order No. 1 to the Construction Contract between Miami-Dade County and TGSV Enterprises, Inc. for the Pre-Trial Detention Center Renovation, ISD Project No: Z00018 GOB ESP; ISD Contract No: Z00018-C GOB

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize Change Order No. 1 to the construction contract between Miami-Dade County and TGSV Enterprises, Inc. for the Pre-Trial Detention Center Renovation.

This change order in the amount of $597,860 will increase the contract amount from $6,696,032 to $7,293,892, and will replenish the contingency reserve back to 100 percent of its original allocated amount. The replenishment of the contingency reserve constitutes acknowledgement by the County that additional unforeseen costs could be incurred to complete the project.

Per Resolution No. R-196-13, approved by the Board on April 2, 2013, this project was added to the County's Economic Stimulus Plan (ESP) approved projects list.

Scope

Although the project is located within the boundaries of District 3, which is represented by Commissioner Audrey M. Edmonson, the impact of this project is countywide in nature.

Fiscal Impact/Funding Source

This Change Order will not increase the overall budgeted project amount of $47 million for the Pre-Trial Detention Center Renovation as shown in Volume 2, page 40 of the FY 2014-15 Adopted Budget and Multi-Year Capital Plan (Project #387680). The $597,860 being requested for Change Order No. 1 will be funded through the reallocation of expenses between current and future project phases using existing Building Better Communities General Obligation Bond (BBC-GOB) Program proceeds.

Track Record/Monitor

Richard Cabrera, Construction Manager, in the Design and Construction Services Division of the Internal Services Department, is managing this capital project on behalf of the Miami-Dade Corrections and Rehabilitation Department.

Background

On April 30, 2013, the County approved ISD Project No. Z00018 GOB ESP; ISD Contract No: Z00018-C GOB for the construction of the Pre-Trial Detention Center Renovation project, which has multiple phases. The existing contract in the amount of $6,696,032 includes the clean-up of the existing crawl space (Task 1), the renovation of the existing dormitory space into a temporary food processing area (Task 2), and the renovation of the existing kitchen and its merger with the temporary food processing area into one large re-heating kitchen (Task 4). At the sole discretion of the County, the remaining funding will be dedicated to address future improvements to the building's structural envelope (Task 3) and to update the 40-year Re-Certification Report (Task 5).

Under the existing contract, the crawl space clean-up component (Task 1) includes oversight and management of the removal of standing sewage and contaminated soil, introduction of ventilation into the crawl space, and identification of damaged pipes and hangers. The renovation of the kitchen component (Task 4) includes design for the renovation of the existing space into a food processing area. This area will also be able to accommodate the necessary kitchen equipment for a re-therm operation (Task 2) that will allow for the reheating of pre-cooked and chilled food and will have the capacity to provide 6,000 meals per day.

The Pre-Trial Detention Center Renovation project has now reached 70 percent completion, and 99 percent of the original $597,860 contingency allowance account has been spent to date. This is the result of a series of unforeseen conditions during Tasks 1, 2 and 4 that include, but are not limited to: 1) the strengthening of the structural walls adjacent to holding cells, 2) the construction of structural support beams for the elevated roof, 3) the addition of a concrete reinforcement to support a new seven-foot wide detention grade sliding door, 4) the removal and re-routing of telecommunications lines, which comprised the data core for the facility in addition to the Jackson Memorial Hospital IT link, 5) vertical revisions to the new electrical duct bank to bypass chiller lines, including valve replacement necessary for future service needs, 6) the reconstruction of a large portion of the sally port/inmate transfer area due to trenching to accommodate a new duct bank, and 7) the rupture of a main chilled water line in an area adjacent to the sally port due to the lack of as-built drawings identifying underground infrastructure. All of the above mentioned changes were carefully reviewed, negotiated and approved by both the Architect and Engineer of Record from URS Corporation Southern, as well as staff from the Internal Services Department, prior to processing.

The $597,860 being requested through this Change Order will bring the project's contingency reserve back to 100 percent of its original amount. Based on several unforeseen conditions discovered up to date on this project and the work yet to be performed, which includes infrastructure repairs in the crawl space under the existing kitchen, potential asbestos abatement due to ceiling demolition, and water intrusion at south wall windows, there is a probability of further unanticipated repairs. As a result, a complete replenishment of the contingency allowance is recommended at this time.

This portion of the Pre-Trial Detention Center Renovation project was originally projected to be completed by August 2015. However, due to the previously mentioned unforeseen conditions, a separate, compensatory time extension change order request is expected to be submitted by TGSV Enterprises, Inc. in the near future for Board consideration. The Pre-Trial Detention Center Renovation project is anticipated to be completed by September 2016.

Attachment

Edward Marquez
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: September 1, 2015

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

SUBJECT: Agenda Item No. 8(F)(9)

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)(9)
9-1-15

RESOLUTION NO. _____

RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT BETWEEN MIAMI-DADE COUNTY AND TGSV ENTERPRISES, INC. FOR THE PRE-TRIAL DETENTION CENTER RENOVATION PROJECT, ISD PROJECT NO. Z00018 GOB ESP, ISD CONTRACT NO. Z00018-C GOB, REPLENISHING THE CONTINGENCY ALLOWANCE IN THE AMOUNT OF $597,860.00 FUNDED FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND FUNDS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME

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 to the construction contract between Miami-Dade County and TGSV Enterprises, Inc. for the Pre-Trial Detention Center Renovation Project, ISD Project No. Z00018 GOB ESP, ISD Contract No. Z00018-C GOB, in substantially the form attached hereto and made a part hereof, replenishing the contingency allowance in the amount of $597,860.00 funded from Building Better Communities General Obligation Bond funds; and authorizes the County Mayor or the County Mayor's designee to execute the Change Order for and on behalf of Miami-Dade County.

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:

Jean Monestime, Chairman
Esteban L. Bovo, Jr., Vice Chairman

Bruno A. Barreiro	Daniella Levine Cava
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

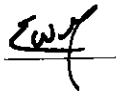
The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of September, 2015. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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

MIAMI-DADE COUNTY, FLORIDA

INTERNAL SERVICES DEPARTMENT

CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO: 1 **CONTRACT NO:** Z00018-C GOB **DATE:** 4/3/2015

PROJECT TITLE: Miami-Dade County Pre-Trial Detention Center Renovation and Expansion

TO CONTRACTOR: TGSV Enterprises, Inc., 1301 W 68th Street, Hialeah, FL 33014

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: The work authorized includes the following:

Replenishment of Contingency Allowance
Replenishment of the contingency allowance to allow the County to address any unforeseen conditions that may arise through final completion of the project.

Monetary Justification: Replenishment of Contingency Allowance
Replenishment of the contingency allowance in the amount of $597,860. This action is recommended in order to allow the County to address any unforeseen conditions that may arise through final completion of the project.

Time Justification: No time increase is requested as a result of this change order.

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	$6,696,032
COST OF CHANGES PREVIOUSLY ORDERED	$0
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE	$6,696,032
COST OF CHANGES WITH THIS DOCUMENT	$597,860
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE	$7,293,892
PERCENT INCREASE WITH THIS CHANGE	8.92%
TOTAL PERCENT INCREASE TO DATE	8.92%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	725 / 0 / 0
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	73 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE	798

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.

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.

Accepted By:

Organization	Name	Title	Date
	TGSV Enterprises, Inc.		
TGSV Enterprises, Inc		Contractor	4/3/15
	JAVIER HRAMIO ~~Roy Rodriguez - Executive~~ VP		
	Travelers Casualty and Surety Company of America		
Surety		Surety	4/3/15
	Charles J. Nielson, Attorney-in-Fact		

Title	Name	Date
Approved By: **County Attorney** (for legal sufficiency)	(Eduardo W. Gonzalez)	5/29/15
Approved By: **County Mayor**		
Attested By: **Clerk of the Board**		

TRAVELERS

POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 225989

Certificate No. 006170692

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Charles D. Nielson, Charles J. Nielson, Mary C. Aceves, David R. Hoover, Gicelle Pajon, Olga Iglesias, and Arthur Colley

of the City of Miami Lakes, State of Florida, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory 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, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 5th day of December, 2014.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By: _____
Robert L. Raney, Senior Vice President

On this the 5th day of December, 2014, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2016.

Marie C. Tetreault, Notary Public

58440-8-12 Printed in U.S.A.

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice 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 Resident Vice Presidents, Resident 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 on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company 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 in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 3rd day of April, 20 15.

Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.