

Memorandum

MIAMI-DADE
COUNTY

Date: July 5, 2016

Agenda Item No. 2B6
November 1, 2016

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

From: Carlos A. Gimenez
Mayor

Subject: Report Regarding Design-Build Contract Number CIP028-CT1-TR09 for the Lehman Center Test Track and Lehman Yard Rehabilitation - Expansion Phase 1 (Legistar #161141)

This report has been prepared by the Miami-Dade County (County) Department of Transportation and Public Works (DTPW) in response to Commissioner Jose "Pepe" Diaz's request at the Transit and Mobility Services Committee meeting on June 15, 2016, regarding item 3H (Legistare #161141), directing DTPW to provide a report on the Design-Build contract number CIP028-CT1-TR09 for the Lehman Center Test Track and Lehman Yard Rehabilitation - Expansion Phase 1. The Design-Build contract is between the County and Munilla Construction Management LLC (MCM). MCM is responsible to design, construct, build, rehabilitate, inspect, test, safety certify, and commission new and existing facilities at the Lehman Center. The construction of the facility is currently delayed and, therefore, DTPW is seeking an extension to the Construction Engineering and Inspection (CE&I) services contract with DTPW's consultant, Parsons Transportation Group (PTG). PTG is assisting DTPW with inspection, oversight, and reviews of the design and construction phases of the project.

Project Funding – The project funding is made up of 100 percent PTP funds. The total contract budget is \$25,147,257.00. The contract Design and Construction base is \$23,295,000.00, with \$1,852,257.00 of allowances. The construction completed and invoiced through the November 30, 2015 was 97.82 percent, with the gross invoiced to date in the amount of \$23,329,347.00. The amount paid to date is \$21,018,301.00, with a contract retainage to date of 5 percent, equating to \$1,078,481.00.

Contract Information – The contractor is Munilla Construction Management LLC. The Notice to Proceed was dated February 13, 2013. The original duration was 538 days, with an original contract completion date of August 5, 2014.

General Reasons for Delays – The construction of the project is currently delayed due to various factors. This is a design/build contract and, therefore, the contractor, MCM, is responsible for the design and construction of the project. Accordingly, the contractor maintains responsibility for delays attributed to the following problems with the design or construction of the project. A summary of the contractor main delays, as compared to the contractor's baseline schedule, includes:

- Design and permitting phases – There was more than a four (4) month delay to complete most of the design elements. Fire alarm design and review was late by more than 16 months.
- Procurement of materials and equipment - Third rail delivery was late by more than five (5) months. Signal and communication equipment procurement was delayed by eight (8) months.
- Construction of the Test Track Service and Inspection (S&I) building - Final grading and compaction was delayed by six (6) months. Pit, slab, and grade were delayed by more than four (4) months. Train pit floor was constructed and reconstructed three (3) times due to quality and slope issues. Building Certificate of Occupancy received on April 27, 2016, which was late by 23 months.

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- Track and Contact Rail Installation - Track and contact rail installation was late by more than 16 months due mainly to failures relating to track alignment, gauge, geometry, clearances, and fouling points. The north loop section was never fully rehabilitated and is still pending adjustment of horizontal alignment to comply with required standards.
- Track acceptance and track safety certification - Completion of Track integration testing was late by 21 months. Completion of Safety Certification and Verification Report is currently late by 23 months and is still pending completion.

Latest Information from Contractor and DTPW Reviews – The contractor submitted Time Impact Analyses #2 and #3, which are being reviewed by DTPW and an independent Scheduling Specialist. The Contractor's Time Impact Analyses includes a request for equitable adjustment of contract time and compensation based on the contractor's allegations of project delays caused by the County.

Status of Liquidated Damages – As of June 22, 2016, contract days total 1,225 days. Contract days are over 687 days, therefore, liquidated damages are contractually specified at \$3,083.52 per day.

Pursuant to Ordinance 14-65, this memorandum will be placed on the next available Board Meeting. If additional information is required, please contact Alice N. Bravo, P.E., Director, DTPW, at (786) 469-5406.

c: Alina T. Hudak, Deputy Mayor, Office of the Mayor
Alice N. Bravo, P.E., Director, Department of Transportation and Public Works
Eugene Love, Agenda Coordinator
Christopher Agrippa, Clerk of the Board