

Date:	January 20, 2021	Agenda Item No. 8(O)(7)	
То:	Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners		
From:	Daniella Levine Cava Mayor Aaniella Levine Cave		
Subject:	Resolution Ratifying the Action Related to Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance pursuant to Section 2-8.2.12 of the Miami-Dade County Code		

Recommendation

It is recommended that the Board of County Commissioners (Board) ratify the action of the County Mayor or County Mayor's designee as authorized under Section 2-8.2.12 of the Miami-Dade County Code related to Miami-Dade Water and Sewer Department's Capital Improvement Programs Acceleration Ordinance (WASD's Acceleration Ordinance) for the funded project identified below and on Exhibit A, as attached.

Capital Improvement Project

<u>Item</u> 1 - Change Order No. 1 to Contract No. 17LCCF002; Project No. DB15-WASD-01 between Miami-Dade County Water and Sewer Department (WASD) and Lanzo Construction, Co., Florida (Contractor) is for a 326-day non-compensable retroactive time extension for Design-Build Services for Replacement of Water Mains and Service Conversions in the City of North Miami Beach "Donut Hole" Service Area (Project).

Scope

As shown on Exhibit A, which provides basic information about Change Order No. 1, the Project is located within District 1, which is represented by Commissioner Oliver G. Gilbert, III. This Change Order is approved pursuant to WASD's Acceleration Ordinance and has a countywide impact.

Fiscal Impact/Funding Source

Change Order No. 1 to Contract No. 17LCCF002; Project No. DB15-WASD-01, provides for a non-compensable time extension of 326 days with no additional monies added to the Contract.

Track Record/Monitor

WASD's Deputy Director of Capital Improvements, Hardeep Anand, will oversee the implementation of Change Order No. 1 to Contract No. 17LCCF002; Project No. DB15-WASD-01.

Background

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor or County Mayor's designee to award and amend contracts, negotiate and issue change orders for funded capital projects, and accelerate the approval of WASD's: 1) Consent Decree projects, and 2) projects identified in WASD Multi-Year Capital Plan's Capital Improvements Program, subject to ratification by the Board.

Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners Page 2

On June 25, 2018, the County and Contractor entered into a Design-Build Contract for designbuild services for the replacement of water mains and service conversions in the City of North Miami Beach "Donut Hole" Service Area with a total compensation amount of \$9,794,837.00. and a contract term of 552 calendar days, plus a contingency time allowance of 55 days. The Notice to Proceed was issued on August 2, 2018, establishing December 7, 2019 as the Contract's Substantial Completion Date and February 5, 2020 as the Contract's Final Completion Date.

The Contractor experienced extensive delays in obtaining the right-of-way (ROW) permit. At the request of the Contractor, WASD granted a 55-day non-compensable time extension through the contingency allowance account, which revised the Substantial and Final Completion dates from December 7, 2019 and February 5, 2020 to January 31, 2020 and March 31, 2020, respectively. In addition to the 55-day extension already granted through the contingency allowance account, the Contractor was delayed an additional 326 days on the Project, which this Change Order No. 1 addresses.

Justification

Change Order No. 1 is for a non-compensable time extension for 326 calendar days, which is comprised of the following two separate time extensions:

1) 173 days non-compensable time extension:

The Contractor was issued the ROW permit on January 16, 2020, and they requested 173 calendar days to complete the Project based on the timeline provided on their construction schedule. The added 173 days revised the Substantial and Final Completion dates to July 22, 2020 and September 20, 2020, respectively.

2) 153 days non-compensable time extension:

Due to the impact of COVID-19 and the recent increase in the number of positive cases across the State of Florida, the City of Miami Gardens Building Department closed temporarily to the public. The City of Miami Gardens notified all applicants that new permit submittals would not be accepted, and plan reviews related to permits not yet issued would be suspended until further notice. This situation directly impacted the Project because plumbing permits from the City's Building Department were required to complete the Project.

Therefore, WASD agreed to grant a 153-calendar day retroactive non-compensable time extension to the Contractor, which will revise the Substantial Completion and Final Completion dates to December 22, 2020 and February 20, 2021, respectively.

WASD reviewed the Contractor's request for a non-compensable retroactive time extension and found a total of 326 days justifiable and non-concurrent. The Contactor agreed to accept WASD's recommendation regarding the non-compensable retroactive time extension.

Small Business Enterprise Measures

The Small Business Enterprise – Construction (SBE-Construction) participation goal of 16.00 percent, Architecture and Engineering (SBE-A/E) participation goal of 25.00 percent, and a Good & Services (SBE-G/S) participation goal of 4.00 percent requirements were established as part of the original Contract.

Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners Page 3

On August 18, 2020 prior to issuance of Change Order No. 1 to Contract No. 17LCCF002, the Internal Services Department's Small Business Development (SBD) Division reviewed the Contract for compliance and determined that Lanzo Construction Co., Florida was in compliance. See the SBD memorandum attached hereto as Exhibit B.

Attached hereto as Exhibit C is Change Order No. 1 identified in this memorandum, which has been executed by the County Mayor or County Mayor's designee in accordance with WASD's Acceleration Ordinance. A copy of the original contract is available upon request from the Department's Intergovernmental Affairs Division.

Jimmy Morales Chief Operating Officer

Exhibit A

Ratification of Amendments/Change Orders Authorized by the WASD Accelerate Ordinance

Brief Project Description	Change Order Description	This project is for the design- build services for replacement of Water Mains and Service Conversions in the City of North Miami Beach "Donut Hole" Service Area. **** This Change Order provides a 326-day non-compensable retroactive time extension.				
Contract Measures	CWP Program	– L				
	SBE Construction	16.00%				
	SBE A/E	25.00%				
	SBE Goods & Services	.4 %00%				
Est. Start Date	Est. End Date	Notice to Proceed Start Date: 08/02/2018 0.02/2018 Date: 02/20/2021				
Operations and Maintenance Costs		V/N				
Funding Source(s)		N/A				
Original Contract Amount	Adjusted Contract Amount	Original Contract Amount \$9,794,837.00; \$9,794,837.00				
Change Order Amount	Change Order Time	\$0; 326-day non- compensable retroactive time extension				
Commi- ssion District		District 1 (Oliver G. 9 Gilbert, III)				
Firm Awarded		Lanzo Construction, Co., Florida				
Project Name		Design-Build Services for Replacement of Water Mains and Service Service Beach Beach Hole" Service Area				
Contract No.	Project No.	Contract No. 17LCCF002; Project No. DB15-WASD- 01				
Type of Solicitation	Contract Type	County Bid Process; Design- Build Services				
S Dept. Name		WASD				
ltem Number		- 4				

EXHIBIT B

Date: August 18, 2020

To: Kevin Lynskey, Director Miami-Dade Water and Sewer Department

From: Gary T. Hartfield, Director Small Business Development Division Internal Services Department

Subject: Project No. DB15-WASD-01, Design-Build Services for Replacement of Water Mains and Service Conversions in the City of North Miami Beach "Donut Hole" Service Area; Contract No. 17LCCF002, Lanzo Construction, Co., Florida - Change Order No. 1

Project No. DB15-WASD-01 was reviewed for compliance with the 16% Small Business Enterprise – Construction (SBE-Construction) measure, 4% Small Business Enterprise – Goods & Services (SBE-Goods & Services) goal measure, 25% Small Business Enterprise – Architectural & Engineering (SBE-Architectural & Engineering) measures and the Responsible Wages and Benefits requirement. Change Order No. 1 is for additional non-compensable time extension only. Resolution No. R-1001-15 requires County contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for Board approval. Resolution R-525-17 exempted change orders or amendments for non-compensatory time extensions from this requirement. Change Order No. 1 is for a time extension only, as such R-1001-15 does not apply.

The prime contractor, Lanzo Construction, Co., Florida (Lanzo) has performed \$6,809,687 and been paid \$5,827,000 to date. Of this amount \$800,000 has been performed and \$699,060 has been paid for design The SBE Participation required, calculated on the performed to date is equal to, \$961,550 for SBE-Construction, \$240,387 for SBE-Goods & Services and \$200,000 for SBE- Architectural & Engineering. The SBE-Construction subcontractors have performed \$753,166 and been paid \$595,983. The SBE-Goods & Services vendor has performed and been paid \$467,160. The SBE-Architectural & Engineering subconsultants have performed and been paid \$148,708. Currently, the prime contractor is in compliance with the SBE-Goods & Services goal and not in compliance with the SBE-Construction and SBE-Architectural & Engineering and SBE-Construction and SBE-Construc

Lanzo and its subcontractors are in compliance with the Responsible Wages and Benefits requirements. Please contact Alice Hidalgo-Gato, SBD Section Chief, at 786-322-8547 for additional information.

 c: Doug Yoder, Deputy Director, WASD Hardeep Anand, Deputy Director, WASD Laura Verdaguer, Legislative and Municipal Affairs Manager, WASD Margaret Moss, Chief, Small Business Initiatives, WASD Edith Brown, Chief, Contract Compliance Division, WASD Patty Palomo, Chief, Intergovernmental Affairs, WASD Carlos Baro, Project Manager, WASD Donna Palmer, SPA1, WASD Alice Hidalgo-Gato, SBD Section Chief, ISD Laurie Johnson, SBD Section Chief, ISD Rossi Siewnarine, ISD Operation Manager, ISD

EXHIBIT C

CHANGE ORDER NUMBER ONE BETWEEN MIAMI-DADE COUNTY AND LANZO CONSTRUCTION, CO., FLORIDA CONTRACT NO. 17LCCF002

PROJECT TITLE: Design-Build Services for Replacement of Water Mains and Service Conversions in the City of North Miami Beach "Donut Hole" Service Area; Contract No. 17LCCF002; Project No. DB15-WASD-01 (the "Project")

TO CONTRACTOR: Lanzo Construction, Co., Florida 125 S. E. 5 Court Deerfield Beach, FL 33441

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.

BACKGROUND/DESCRIPTION OF WORK:

On June 25, 2018, the County and Lanzo Construction, Co., Florida ("Contractor") entered into a Design-Build Contract for design-build services for the replacement of water mains and service conversions in the City of North Miami Beach "Donut Hole" Service Area with a total compensation amount of \$9,794,837.00 and a contract term of 552 calendar days, plus a contingency time allowance of 55 days. The Notice to Proceed was issued on August 2, 2018, establishing December 7, 2019 as the contract's Substantial Completion Date and February 5, 2020 as the contract's Final Completion Date.

The Contractor experienced extensive delays in obtaining the right-of-way (ROW) permit. At the request of the Contractor, WASD granted a 55day non-compensable time extension through the contingency allowance account, which revised the Substantial and Final Completion dates from December 7, 2019 and February 5, 2020 to January 31, 2020 and March 31, 2020, respectively. In addition to the 55-day extension already granted through the contingency allowance account, the Contractor was delayed an additional 326 days on the project, which this Change Order Number One addresses.

JUSTIFICATION:

Change Order Number One is for a non-compensable time extension for 326 calendar days, which is comprised of the following two separate time extensions:

1) 173 days non-compensable time extension:

The Contractor was issued the ROW permit on January 16, 2020, and they requested 173 calendar days to complete the Project based on the timeline provided on their construction schedule. The added 173 days revised the Substantial and Final Completion dates to July 22, 2020 and September 20, 2020, respectively.

2) 153 days non-compensable time extension:

Due to the impact of COVID-19 and the recent increase in the numbers of positive cases across the State of Florida, the City of Miami Gardens Building Department closed temporarily to the public. The City of Miami Gardens notified all applicants that new permit submittals would not be accepted, and plan reviews related to permits not yet issued would be suspended until further notice. This situation directly impacted the Project because plumbing permits from the City's Building Department were required to complete the Project. Therefore, WASD agreed to grant a 153-calendar day retroactive non-compensable time extension to the Contractor, which will revise the Substantial Completion and Final Completion dates to December 22, 2020 and February 20, 2021, respectively.

WASD reviewed the Contractor's request for a non-compensable retroactive time extension and found a total of 326 days justifiable and non-concurrent. The Contactor agreed to accept the WASD recommendation regarding the non-compensable retroactive time extension.

SUMMARY OF CONTRACT AMOUNT / TIME	
ORIGINAL CONTRACT AMOUNT:	\$9,794,837.00
COST OF CHANGES PREVIOUSLY ORDERED:	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE:	\$9,794,837.00
COST OF CHANGES WITH THIS DOCUMENT:	\$0.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE:	\$9,794,837.00
ORIGINAL CONTRACT DURATION:	552
ADDITIONAL TIME:	326
ORIGINAL CONTINGENCY TIME:	55
PREVIOUSLY APPROVED CONTINGENCY TIME:	55
REPLENISH CONTINGENCY TIME	55
ADJUSTED CONTRACT TERM:	1043

This Change Order includes not only all direct and indirect costs of the Contractor, such as labor, materials, job overhead, and profit markup, but also any costs for modifications or changes in sequence of work to be performed as well as all delays, rescheduling, disruption, extended direct overhead or general overhead, acceleration, materials or other escalation, which include wages and other impact costs.

The 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 Number One.

Pursuant to Section 2-8.2.12 (7) of the Code of Miami-Dade County, the County Mayor or the County Mayor's Designee's execution of this Change Order Number One is subject to ratification by the Board of County Commissioners. If the County Mayor or the County Mayor's Designee's action is not ratified, and such legislative action becomes final, this Change Order shall be deemed revoked and terminated without further notice. In such event, the Contractor shall not be entitled to recovery of any lost profits or other consequential or indirect damages. However, the Contractor is eligible for payment for any work done prior to failure of the ratification.

CERTIFYING STATEMENT: Lanzo Construction, Co., Florida 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.

Organization	<u>Acc</u> <u>Name</u>	<u>epted By:</u> <u>Title</u>	Date	
<u>Lanzo Construction,</u> <u>Co., Florida</u>	Michael Green n	1. A Contra	<u>ctor 12/4/20</u>	
Liberty Mutual Insu	rance Company	- 0 80		
<u>Surety</u>	By: Horefor	Surety	12/3/2020	
Bond #013129554	Holly Nichols, Attor	ney-in-fact		
Title	Name		<u>Date</u>	
	4 100		1010	
Approved By: <u>County</u>	Attorney Schartz	aver parp	8219120	
(for legal sufficiency)				
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Approved By: County	Mayor	7 TH	11011000	
	Hawa	thic	12/24/2020	
Attested By: Clerk of t	he Board	**************************************		
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1. N.A.



letter of credit.

Not valid currency This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

> Liberty Mutual Insurance Company The Ohio Casualty Insurance Company West American Insurance Company

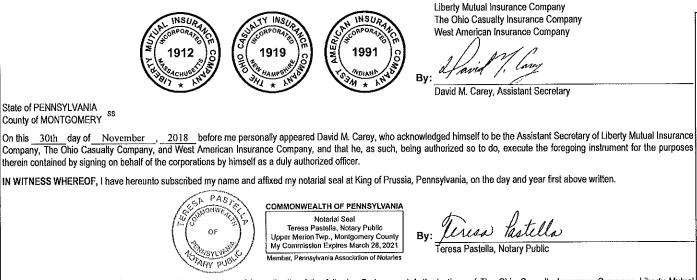
Certificate No: 8198083-013068

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Nicholas Ashburn; Anne Barick; Robert D. Heuer; Paul M. Hurley; Michael D. Lechner; Mark Madden; Richard S. McGregor; Holly Nichols; Jason Rogers

each individually if there be more than one named, its true and lawful attorney-in-fact to make, all of the city of state of MI Тгоу execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 30th day of November , 2018 .



for mortgage, note, loan, letter of credit, rate, interest rate or residual value guarantees This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys in fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII - Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe shall appoint such attorneys in fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-infact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, 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 December



business day. on any ESTe Attorney (4:30 pm] am and Power of 00:6 ŝ 는 validity of the confirm the va 10-832-8240 <u>1</u> ്



MEMORANDUM

(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz and Members, Board of County Commissioners DATE: January 20, 2021

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FROM:

Successor County Attorney

SUBJECT: Agenda Item No. 8(O)(7)

Please note any items checked.

	"3-Day Rule" for committees applicable if raised
v	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
	Statement of social equity required
	Ordinance creating a new board requires detailed County Mayor's report for public hearing
\checkmark	No committee review
	Applicable legislation requires more than a majority vote (i.e., 2/3's present, 2/3 membership, 3/5's, unanimous, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c), CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c), or CDMP 9 vote requirement per 2-116.1(4)(c)(2)) to approve
	Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved	Mayor	Agenda Item No. 8(O)(7)
Veto		1-20-21
Override		

RESOLUTION NO.

RESOLUTION RATIFYING ACTION BY COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY APPROVING CHANGE ORDER NO. 1 BETWEEN MIAMI-DADE COUNTY AND LANZO CONSTRUCTION, CO., FLORIDA FOR A 326-DAY NON-COMPENSABLE RETROACTIVE TIME EXTENSION FOR DESIGN-BUILD SERVICES FOR THE REPLACEMENT OF WATER MAINS AND SERVICE CONVERSIONS IN THE CITY OF NORTH MIAMI BEACH "DONUT HOLE" SERVICE AREA, CONTRACT NO. 17LCCF002, PROJECT NO DB15-WASD-01

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 ratifies the action of the County Mayor or County Mayor's designee, as authorized by Section 2-8.2.12 of the Code of Miami-Dade County, specifically, to approve Change Order No. 1 between Miami-Dade County and Lanzo Construction, Co., Florida, attached to the accompanying memorandum as Exhibit C, for a 326-day non-compensable retroactive time extension for design-build services for the replacement of water mains and service conversions in the City of North Miami Beach "Donut Hole" Service Area, Contract No. 17LCCF002, Project No. DB15-WASD-01. The original contract documents are kept on file with and are available upon request from the Intergovernmental Affairs Division of the Miami-Dade Water and Sewer Department.

Agenda Item No. 8(O)(7) Page No. 2

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:

Jose "Pepe" Diaz, Chairman Oliver G. Gilbert, III, Vice-Chairman

Sen. René García Sally A. Heyman Eileen Higgins Kionne L. McGhee Raquel A. Regalado Sen. Javier D. Souto ce-Chairman Keon Hardemon Danielle Cohen Higgins Joe A. Martinez Jean Monestime Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2021. 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:_

SED

Deputy Clerk

Approved by County Attorney as to form and legal sufficiency.

Sarah E. Davis