

Memorandum



Date: January 20, 2021

Agenda Item No. 8(O)(9)

To: Honorable Chairman Jose “Pepe” Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

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

Item 1 - Change Order No. 1 to Contract No. 16RMII001, Project No. DB14-WASD-07, is for a 504 day non-compensable retroactive time extension between Miami-Dade County and Ric-Man International, Inc. (RMII) for Design-Build Services for the Replacement of Water Mains and Service Conversions in the South Miami Heights Area “Phase B”.

Scope

As shown on Exhibit A, which provides basic information about Change Order No. 1, the project is located within District 9, which is represented by Commissioner Kionne L. McGhee. This Change Order is approved pursuant to WASD’s Acceleration Ordinance and has countywide significance.

Fiscal Impact/Funding Source

Change Order No. 1 to Contract No. 16RMII001, Project No. DB14-WASD-07, provides for a non-compensable time extension of 504 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 DB14-WASD-07.

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.

The County Mayor or County Mayor’s designee approved Change Order No. 1 on November 4, 2020 pursuant to his authority under WASD’s Accelerate Ordinance.

On November 18, 2016, the County RMII entered into a Design-Build Contract for Design-Build Services for the Replacement of Water Mains and Service Conversions in the South Miami Heights Area "Phase B" with a total compensation amount of \$19,117,199.91 and a contract term of 920 calendar days, plus a Contingency Time Allowance of 92 days. The Notice to Proceed was issued on January 9, 2017, establishing June 3, 2019 as the Contract's Substantial Completion date and July 18, 2019 as the Contract's Final Completion date.

A total of 92 non-compensable days were previously approved through the Contingency Time Allowance Account CA-001 (14 days for Hurricane Irma); CA-002 (3 days for slab cover trench conflict; and CA-003 (78 days for 20 homes left out of the Design Criteria Package). The Substantial Completion date was, therefore, revised to September 3, 2019, and the Final Completion date was extended to October 18, 2019.

Change Order No. 1 is for a retroactive non-compensable time extension of 504 days, which is comprised of the following two parts: (1) a 256 day non-compensable time extension that was needed by WASD to obtain and record an easement necessary for the installation of a watermain to ensure proper water supply and fire flow service to The Quail Roost Shopping Center, and (2) a 248 day non-compensable time extension to provide sufficient time for RMII to design and install the new watermain and perform any remaining work for The Quail Roost Shopping Center connection. As a result of the time extension, the new Substantial Completion date is January 21, 2021, and the new Final Completion date is March 4, 2021.

Small Business Enterprise Measures

The Small Business Enterprise – Construction (SBE-Construction) participation goal of 12.01 percent; Architecture and Engineering (SBE-A/E) of 25.00 percent; Good & Services (SBE-G/S) participation goal of 0.25 percent; and a Community Workforce Program goal of 10 percent requirements were established as part of the original Contract.

Prior to issuance of Change Order No. 1 to Contract No. 16RMII001, the Internal Services Department's Small Business Development (SBD) Division reviewed the Contract for compliance and determined that, as of August 19, 2020, RMII is in compliance. See 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 construction contract is available upon request from the Department's Intergovernmental Affairs Division.

Attachments



Jimmy Morales
Chief Operations Officer

Exhibit A

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


Item Number	Dept. Name	Type of Solicitation	Contract No.	Project Name	Firm Awarded	Commission District	Change Order Amount	Change Order Time	Original Contract Amount	Adjusted Contract Amount	Funding Source(s)	Operations and Maintenance Costs	Est. Start Date	Est. End Date	Contract Measures				Brief Project Description
		Contract Type	Project No.												SBE Goods & Services	SBE A/E	SBE Construction	CWP Program	
1	WASD	County Bid Process; Design-Build Services	Contract No. 16RM11001; Project No. DB14-WASD-07	Design-Build Services for the Replacement of Water Mains and Service Conversions in the South Miami Heights Area "Phase B"	Ric-man International Inc.	District 9 (Kionne L. McGhee)	(\$0.00); 504 day non-compensable retroactive time extension		Original Contract Amount \$19,117,199.91; Scope modification with no additional monies		N/A	N/A	Notice to Proceed Start Date: 01/09/2017 Final Completion Date: 03/04/2021		0.25%	25.00%	12.01%	10.00%	This project is for design-build services for replacement of water mains and service conversions in the South Miami Heights Area "Phase B". *** This Change Order provides a 504 day non-compensable retroactive time extension.

Memorandum



Date: August 19, 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. DB14-WASD-07, Design-Build Services for the Replacement of Water Mains and Service Conversions in the South Miami Heights Area, Phase B, Contract No. 16RMII001, Ric-Man International, Inc.

Project No. DB14-WASD-07 was reviewed for compliance with the 12.01% Small Business Enterprise – Construction (SBE-Construction) goal, 0.25% Small Business Enterprise – Goods & Services (SBE-Goods & Services) goal, 25% Small Business Enterprise – Architectural & Engineering (SBE- Architectural & Engineering) goal, 10% Community Workforce Program goal, and Responsible Wages and Benefits requirements. 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 and the goals remain the same.

The prime contractor, Ric-Man International, Inc. (Ric-Man) has performed \$15,605,675 and been paid \$14,495,474 to date. Of this amount \$1,110,201 has been performed and \$1,054,691 has been paid for design. The SBE Participation required, calculated on the performed to date is equal to \$1,843,220 for SBE-Construction, \$38,400 for SBE-Goods & Services and \$277,550 for SBE- Architectural & Engineering. The SBE-Construction subcontractors have performed \$3,592,518 and been paid \$3,385,456. The SBE-Goods & Services vendor has performed and been paid \$24,285. The SBE-Architectural & Engineering subconsultants have performed and been paid \$183,720. Currently, Ric-Man is in compliance with the SBE-Construction goal and not in compliance with the SBE-Goods & Services and SBE-Architectural & Engineering goals. Final goal compliance is determined at project completion.

Ric-Man is in compliance with the Community Workforce Program (CWP). Ric-Man's workforce plan, accepted on May 22, 2018, reported a total workforce of ninety (90) employees requiring nine (9) CWP positions for compliance with the 10% goal. No employees were approved to meet the CWP goal. To date, all new hires found working on the project have been recruited from CareerSource South Florida from the project's designated target area. Please contact Alice Hidalgo-Gato, SBD Section Chief, at 786-322-8547 for additional information.

c: Alissa Peñaloza, Deputy Director, WASD
Hardeep Anand, Deputy Director, WASD
Laura Verdagner, 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
Donna Palmer, SPA1, WASD
Rossi Siewnarine, ISD Operation Manager, ISD
Laurie Johnson, SBD Section Chief, ISD
Alice Hidalgo-Gato, SBD Section Chief, ISD

CHANGE ORDER NO. ONE
BETWEEN
MIAMI-DADE COUNTY
AND
RIC-MAN INTERNATIONAL, INC.
CONTRACT NO. 16RMII001

PROJECT TITLE: Design-Build Services for the Replacement of Water Mains and Service Conversions in the South Miami Heights Area "Phase B"
Contract No. 16RMII001; Project No. DB14-WASD-07

CONTRACTOR: Ric-Man International, Inc.
5246 S.W. 8 Street, Suite 102D
Coral Gables, FL 33134

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 November 18, 2016, the County and Ric-Man International, Inc. (Design-Builder) entered into a Design-Build Contract for Design-Build Services for the Replacement of Water Mains and Service Conversions in the South Miami Heights Area "Phase B" with a total compensation amount of \$19,117,199.91 and a contract term of 920 calendar days, plus a Contingency Time Allowance of 92 days. The Notice to Proceed was issued on January 9, 2017, establishing June 3, 2019 as the contract's Substantial Completion date and July 18, 2019 as the contract's Final Completion date.

A total of 92 non-compensable days were previously approved through the Contingency Time Allowance Account (CA) CA-001 (14 days for hurricane Irma), CA-002 (3 days for slab cover trench conflict, CA-003 (78 days for 20 homes left out of Design Criteria Package), through the Contingency Time Allowance Account, depleting that account and revising the Substantial Completion date to September 3, 2019 and the Final Completion date to October 18, 2019.

This change order is for a retroactive non-compensable time extension for 504 days, which will revise the Substantial Completion date to January 19, 2021 and the Final Completion date to March 4, 2021.

JUSTIFICATION:

The Design-Build Criteria Package for the Contract required the Design-Builder to abandon an existing water main pipeline fronting Quail Roost Drive that serviced the Quail Roost Shopping Center. The Engineer of Record subsequently determined that abandoning the existing water main pipeline would negatively impact approximately eighteen (18) commercial businesses at the Quail Roost Shopping Center leaving them with low water pressure and insufficient fire flow protection. Therefore, the Engineer of Record requested that the Design-Builder provide additional services for the installation of a new water main pipeline to connect the Quail Roost Shopping Center commercial businesses and avoid any water pressure disruptions to the Quail Roost Shopping Center. In order for the Design-Builder to install the new water main pipeline,

WASD needed to obtain an easement from the Quail Roost Shopping Center property owner. The process of obtaining the easement took two hundred fifty-six (256) calendar days from April 22, 2019 to January 3, 2020. The Designer-Builder has requested two-hundred and forty (240) days non-compensable time extension to install the new water main and connect the commercial businesses at the Quail Roost Shopping Center.

This Change Order to the Contract provides for a 1) 256-day non-compensable time extension to obtain the easement and 2) 248-day non-compensable time extension for the Design-Builder to install the new water main and perform any remaining work, for a total 504-day non-compensable retroactive time extension. This Change Order revises the Substantial Completion date to January 19, 2021 and the Final Completion date to March 4, 2021.

Ric-Man International, Inc.

SUMMARY OF CONTRACT AMOUNT / TIME

ORIGINAL CONTRACT AMOUNT:	\$19,117,199.91
COST OF CHANGES PREVIOUSLY ORDERED:	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE:	\$19,117,199.91
COST OF CHANGES WITH THIS DOCUMENT:	\$0.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE:	\$19,117,199.91
ORIGINAL CONTRACT DURATION:	920
ADDITIONAL TIME:	504
ORIGINAL CONTINGENCY TIME:	92
PREVIOUSLY APPROVED CONTINGENCY TIME:	92
REPLENISH CONTINGENCY TIME:	0
ADJUSTED CONTRACT TERM:	1516

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.

Pursuant to Section 2-8.2.12 (7) of the Code of Miami-Dade County, the Mayor or the Mayor's designee's execution of this Change Order 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 Design-Builder shall not be entitled to recovery of any lost profits or other consequential or indirect damages. However, the Design-Builder is eligible for payment for any work done prior to failure of the ratification.

CERTIFYING STATEMENT: Ric-Man International, Inc. 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.

<u>Organization</u>	<u>Name</u>	<u>Accepted By:</u>	<u>Title</u>	<u>Date</u>
<u>RIC MAN INTERNATIONAL, INC.</u>	<u>Andres G. Diaz</u>	<u>[Signature]</u>	<u>Contractor</u>	<u>9/9/2020</u>
<u>Surety</u>	<u>Arch Insurance Company</u>	<u>[Signature]</u>	<u>Surety</u>	<u>9/1/2020</u>
	<u>Layne Holmes, Attorney-in-Fact</u>			

<u>Title</u>	<u>Name</u>	<u>Date</u>
Approved By: <u>County Attorney</u> (for legal sufficiency)	<u>[Signature]</u>	<u>9/17/2020</u>
Approved By: <u>County Mayor</u>	<u>[Signature]</u>	<u>11/4/20</u>
Attested By: <u>Clerk of the Board</u>	<u>[Signature]</u>	<u>11/5/2020</u>






MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: January 20, 2021

FROM: 
Gen Bonzon-Keenan
Successor County Attorney

SUBJECT: Agenda Item No. 8(O)(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
- Statement of social equity 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 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
Veto _____
Override _____

Agenda Item No. 8(O)(9)
1-20-21

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 RIC-MAN INTERNATIONAL, INC. FOR A 504-DAY NON-COMPENSABLE RETROACTIVE TIME EXTENSION FOR DESIGN-BUILD SERVICES FOR THE REPLACEMENT OF WATER MAINS AND SERVICE CONVERSIONS IN THE SOUTH MIAMI HEIGHTS AREA “PHASE B”, CONTRACT NO. 16RMII001, PROJECT NO DB14-WASD-07

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 Ric-Man International, Inc., attached to the accompanying memorandum as Exhibit C, for a 504-day non-compensable retroactive time extension for design-build services for the replacement of water mains and service conversions in the South Miami Heights Area “Phase B”, Contract No. 16RMII001, Project No. DB14-WASD-07. 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.

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

The Chairperson thereupon declared this 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: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis