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OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 8(P)(1)(F)

Resolution No. R-234-08

Date: March 4, 2008

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Resolution Authorizing the Public Works Department (PWD) to Terminate for Convenience a Contract with The Redland Company, Inc., Titled SW 104 Street Roadway Improvements from SW 147 Avenue to SW 137 Avenue (PWD Project No. 20040603), and Authorizing PWD to Negotiate and Settle any Claims Resulting from this Action

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Recommendation

It is recommended that the Board of County Commissioners (BCC) approve the attached Resolution authorizing the Public Works Department (PWD) to terminate for convenience a contract with The Redland Company, Inc., titled SW 104 Street Roadway Improvements from SW 147 Avenue to SW 137 Avenue (PWD Project No. 20040603), and authorizing PWD to negotiate and settle any claims from the Contractor resulting from this action.

Scope

The road improvement work under this contract lies within the boundaries of Commission District 11.

Fiscal Impact/Funding Source

Monies encumbered under this contract will revert to the Road Impact Fees District 11 fund.

Track Record/Monitor

The effort to settle any claims resulting from the termination of the subject contract will be the responsibility of the Public Works Department. The County Attorney's Office will be providing legal counsel and support to the Department and will insure legal sufficiency.

Background

The SW 104 Street Roadway Improvements from SW 147 Avenue to SW 137 Avenue contract was executed on October 24, 2006, and a tentative Notice to Proceed (NTP) was scheduled for the end of December, 2006. However, due to several issues involving permits and insurance requirements, as well as to accommodate a town hall meeting with opponents of the project scheduled for February 7, 2007, alongside with a series of other meetings with area residents and the Commissioner's Office during this month, the NTP was postponed to February 12, 2007, as mutually agreed by the Contractor (The Redland Company, Inc.) and PWD. As a result of the town hall meeting (attended by representatives from the District Commissioner's Office, PWD and area residents) it was requested by the residents that the NTP be once again delayed to the end of March in order to afford the opportunity of a public meeting with the neighborhood scheduled for March 20, 2007.

During that time, the County has met several times with a group of area residents, who continue to be vehemently opposed to the project, to discuss plans for possible modifications in the design. As a result, PWD proceeded to revise plans to include requested changes such as closing off a section of SW 138 Avenue, removal of a proposed sidewalk on the south side of the project, modifications to the proposed drainage system, and signalization upgrades for pedestrian safety. Other changes are decorative lighting, U-

turn bays and enhanced landscaping. Those design modifications were recently incorporated into the plans and the changes in the scope of work increased the contract amount by 20%, or approximately $1.0 million. This escalation in price is exclusively to cover the cost of the enhancements, in order to add to the residential nature of the corridor and to improve safety. The Citizens Transportation Advisory Committee (CTAC) subcommittee passed a resolution at their meeting on December 6, 2007 by a vote of 5-1 to delay the project until a "reasonable consensus" with the area residents can be reached. This resolution was ratified at the December 19, 2007 meeting of the full CTAC. Said resolution will be presented to the Transportation Planning Council (TPC) for approval.

Due to the ongoing public opposition to this project as currently bid, the significant change in scope of work as a result of the enhancements requested by the area residents, and the need to obtain competitively bid prices for this additional scope of work, it is in the best interest of the County to terminate for convenience the contract with The Redland Company, Inc., titled SW 104 Street roadway Improvements from SW 147 Avenue to SW 137 Avenue (PWD Project No. 20040603). The project will be re-advertised and competitively bid in the future, after the County and area residents reach a consensus that meshes the need for infrastructure demanded by growth in the area and the need to maintain the neighborhood's unique character.

Therefore, it is recommended that the BCC approve the attached Resolution to authorize PWD to terminate the contract and to negotiate and settle any claims from the Contractor resulting from this action.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: March 4, 2008

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

SUBJECT: Agenda Item No. 8(P)(1)(F)

Please note any items checked.

_____ **"4-Day Rule" ("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**

_____ **Bid waiver requiring County Manager's written recommendation**

_____ **Ordinance creating a new board requires detailed County Manager's report for public hearing**

_____ **Housekeeping item (no policy decision required)**

_____ **No committee review**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(P)(1)(F)
03-04-08

RESOLUTION NO. **R-234-08**

RESOLUTION AUTHORIZING THE PUBLIC WORKS DEPARTMENT (PWD) TO TERMINATE FOR CONVENIENCE A CONTRACT WITH THE REDLAND COMPANY, INC., TITLED SW 104 STREET ROADWAY IMPROVEMENTS FROM SW 147 AVENUE TO SW 137 AVENUE (PWD PROJECT NO. 20040603), AND AUTHORIZING PWD TO NEGOTIATE AND SETTLE ANY CLAIMS RESULTING FROM THIS ACTION

WHEREAS, On October 4, 2006, the County Manager awarded a road improvement contract for SW 104 Street, from SW 147 Avenue to SW 137 Avenue, to The Redland Company, Inc., (Contractor) under the Expedite Ordinance No. 00-104 (Miami-Dade County Code Sections 2-8.2.6 and 2-8.2.7); and

WHEREAS, there has been opposition to the project on the part of local area residents and the County's efforts to address the residents' concerns are ongoing; and

WHEREAS, there will be an extensive change in the project's scope of work which will result in significant change orders; and

WHEREAS, there is uncertainty on the time frame for issuing a project Notice to Proceed due to the ongoing efforts to address the resident's concerns,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board finds in the best interest of the County to terminate for convenience the contract with The Redland Company, Inc., titled SW 104 Street Roadway Improvements, from SW 147 Avenue to SW 137 Avenue (PWD Project No. 20040603), and authorizes PWD to terminate said contract; and

negotiate and settle any claims resulting from this action, in substantially the form attached hereto and made a part hereof.

The foregoing resolution was offered by Commissioner **Dennis C. Moss** , who moved its adoption. The motion was seconded by Commissioner **Natacha Seijas** and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman **aye**
Barbara J. Jordan, Vice-Chairwoman **aye**

Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Joe A. Martinez	**aye**	Dennis C. Moss	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**absent**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of March, 2008. 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: **Kay Sullivan**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber