OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: January 22, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Agenda Item No. 8(A)(1)(K)

Resolution No. R-27-09

Subject: Change Order No. 1 to MIA South Terminal Dual Taxiway, MDAD Project No. K-150-A, increasing the contract amount by $627,655.00.

RECOMMENDATION

It is recommended that the Board approve the attached Change Order No. 1 to the contract with Marks Brothers, Inc., for construction of the MIA South Terminal Dual Taxiway Project. This Change Order increases the total contract amount by $627,655.00 to replenish the Allowance Account for environmental remediation work, and provides funding to complete the project, including, but not limited to unforeseen conditions that may further be encountered during the course of construction.

CHANGE ORDER NO.: Change Order No. 1

SCOPE Miami International Airport (MIA) is located primarily within Commission District Six.

PROJECT NAME: MIA South Terminal Dual Taxiway

PROJECT NO. MDAD No. K-150-A

PROJECT DESCRIPTION: The scope of this project consists of the construction of dual taxiways "P" and "Q" access to the South Terminal complex serving Concourse "H" and the new Concourse "J", relocation of the jet-fuel hydrant-system control-valve pit, removal and storage of passenger loading bridges from the Concourse "H" Headhouse and repair of the building to close the openings for the removed loading bridges, removal of high-mast apron lighting, construction of a new 9W6 electric ductbank to Concourse "H", and installation of taxiway centerline lights. The work also includes, but is not limited to, airfield pavement, drainage, relocation of the primary jet-fuel system-isolation valve pit adjacent to the existing Concourse "H" Headhouse. Other airfield infrastructure as necessary to provide a functional taxiway system is also included.

PROJECT LOCATION: Miami International Airport

APPROVAL PATH: Board of County Commissioners

USING DEPARTMENT: Miami-Dade Aviation Department (MDAD)

FISCAL IMPACT/FUNDING SOURCE

The project is funded by the Capital Improvement Program (CIP) and Federal Aviation Administration (FAA) grant funds. MDAD has allocated $15,542,000.00 for this project within the Board-approved $6.2

billion CIP budget. The original Total Maximum Contract Amount is $11,060,426.63 which includes a General Allowance Account in the amount of $1,003,213.30. The current balance in the General Allowance Account is $100,369.21, from which most of the expenditures were for environmental remediation. The change contemplated in this Change Order replenishes the General Allowance Account which increases the contract by $627,655.00, for an adjusted contract value of $11,688,081.63. Funding for this change order is within the project budget.

TRACK RECORD/MONITOR

Marks Brothers, Inc., has performed satisfactorily. The Capital Improvements Information System (CIIS) shows that it received an overall performance evaluation of 4.0 (superior performance). MDAD Project Manager E. W. Franklin Stirrup III is responsible for monitoring this contract.

BACKGROUND

The project was advertised for bids on May 3, 2007, with an initial bid receipt date of 1:00 p.m. Wednesday, May 30, 2007, which was extended by Addendum to 1:00 p.m. June 20, 2007. Bids were received from: Marks Brothers, Inc.; Central Florida Equipment Rentals, Inc.; and Kiewit Southern Co.

Since this project is federally funded, MDAD's Minority Affairs Division performed a review of the project for compliance with the Disadvantaged Business Enterprise (DBE) Program, as per the requirements of the Code of Federal Regulations 49 C.F.R. Part 26. It found all three companies to be in compliance with the DBE Participation provisions and the Code of Federal Regulations 49 C.F.R. Part 26. The contract measure applicable to this project is a DBE subcontractor goal of 16%, which all companies met. The Board awarded the contract to Marks Brothers, Inc., on November 8, 2007. The Notice-to-Proceed was issued with an effective date of February 11, 2008, and the project is under construction.

This Change Order increases the total contract amount by $627,655.00 to replenish the Allowance Account for environmental remediation work, and provides funding to complete the project, including, but not limited to unforeseen conditions that may further be encountered during the course of construction. The remediation work included the dewatering and treatment of contaminated groundwater and the transportation and disposal of non-hazardous soil encountered during the installation of the jet fuel system pipes, which was authorized through the General Allowance Account. As of Pay Estimate No. 9 which covers construction thru October 25, 2008, the Contractor had earned $5,754,002.56 which equates to approximately 52% of the Contract Amount.

COMPANY NAME:	Marks Brothers, Inc.
TERM OF AGREEMENT:	Four Hundred Fifty-four (454) calendar days from effective date established in the Notice to Proceed
ORIGINAL CONTRACT AMOUNT:	$11,060,426.63, including an Inspector General Audit Account for $25,080.33.
AMOUNT OF RECOMMENDED MODIFICATIONS:	$627,655.00
ADJUSTED AGREEMENT AMOUNT:	$11,688,081.00
PERCENT CHANGE THIS MODIFICATION:	5.67%
IPSIG/INSPECTOR GENERAL:	Provisions included

2

COMPANY PRINCIPALS:	Martin D. Marks, President James E. McQuaide, Vice-President Richard K. Meyers, Secretary Thomas Piero, Treasurer
GENDER, ETHNICITY & OWNERSHIP BREAKDOWN:	66 2/3% Caucasian Female 33 1/3% Caucasian Male
COMPANY STREET ADDRESS:	9455 N. W. 104th Street Miami, FL 33178
YEARS IN BUSINESS:	62 years
PREVIOUS AGREEMENTS WITH THE COUNTY:	Five (5) Construction Contracts as listed below: G-035-A MIA Employee Parking Area Drainage Improvements I-185-A OPF AOA Pavement Reconstruction and Drainage 732B Concourse A-B Apron Infill Utilities 732D Concourse B-C Apron & Utilities Seaport Project No. 2006-002 Eastern Port Blvd. Extension
RECOMMENDED CONTRACT MEASURE:	16% DBE Subcontractor Goal
CONTRACT MEASURE ACHIEVED:	17% ($1,959,439) DBE Subcontractor Goal
COMPLIANCE DATA:	MDAD has reviewed the referenced project for compliance with the Disadvantaged Business Enterprise (DBE) Program at 48% project completion.
CURRENT STATUS	8.0% ($895,793) Actual DBE Participation achieved at 48% project completion
DBE SUBCONTRACTORS:	6.8% Ruben Electrical Technology, Inc. 7.3% Construction Group Corp. 2.9% Robert's Traffic Corporation
ADVERTISEMENT DATE:	May 3, 2007
CONTRACT AWARD DATE:	November 8, 2007
LIVING WAGE:	Davis Bacon Wage Determinations for Miami-Dade County Construction Type: Highway Construction
DELEGATIONS OF AUTHORITY:	The Aviation Director or designee has the authority to expend the contingency accounts.

Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Dennis C. Moss and Members, Board of County Commissioners

DATE: January 22, 2009

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

SUBJECT: Agenda Item No. 8(A)(1)(K)

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(A)(1)(K)
1-22-09

RESOLUTION NO. R-27-09

RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT FOR CONSTRUCTION OF THE MIA SOUTH TERMINAL DUAL TAXIWAY, PROJECT NO. MDAD K-150-A BETWEEN COUNTY AND MARKS BROTHERS, INC., IN AN AMOUNT NOT TO EXCEED $627,655.00, AUTHORIZING COUNTY MAYOR OR HIS 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 hereby approves Change Order No. 1 to the contract for construction of the MIA South Terminal Dual Taxiway, Project No. MDAD K-150-A between the County and Marks Brothers, Inc., in substantially the form attached hereto and made a part hereof, in an amount not to exceed $627,655.00; authorizing County Mayor or his designee to execute same.

5

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

Dennis C. Moss, Chairman **aye**
Jose "Pepe" Diaz, Vice-Chairman **aye**

Bruno A. Barreiro	**aye**	Audrey M. Edmonson	**absent**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**aye**
Barbara J. Jordan	**aye**	Joe A. Martinez	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 22nd day of January, 2009. 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. DBM /for

Deborah Bovarnick Mastin

MIAMI - DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO 1 PROJECT NO. K150A DATE: 09/30/08

PROJECT NAME: MIA SOUTH TERMINAL DUAL TAXIWAY

BOND NO.:104827701

TO CONTRACTOR: MARKS BROTHERS, INC.

YOU ARE HEREBY REQUESTED TO MAKE THE FOLLOWING CHANGES TO THE CURRENT CONTRACT, AND TO PERFORM THE WORK SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

ITEM NO.	DESCRIPTION	AMOUNT
1	Increase the Allowance Account	$627,655.00

to replenish the Allowance Account for Environmental Remediation work performed for the dewatering and treatment of contaminated groundwater and the transportation and disposal of non-hazardous soil encountered during the installation of the jet fuel system pipes authorized for performance by the Contractor through the General Allowance Account; and to provide adequate funding to complete the Project, including, but not limited to unforeseen conditions that may further be encountered during the course of construction.

JUSTIFICATION: UNFORESEEN OR UNFORESEEABLE CHANGE

RELEASE OF CLAIM

This Change Order provides funding for the General Allowance Account and does not authorize the Contractor to either perform the work described herein or entitle the Contractor to claim or receive payment of any of the funds referenced herein unless and until a Work Order, duly executed pursuant to Contract provisions, so authorizes and entitles the Contractor. Such Work Orders, when executed, contain appropriate waiver and release clauses pertinent to the work description and cost provisions included therein. This Change Order does not obligate the Contractor to finish all current and future work for a fixed price or for the additional amount added by this Change Order, and in executing this Change Order; the Contractor waives all rights to make a claim as a result of this Change Order.

SUMMARY OF CONTRACT AMOUNT

REASON FOR CHANGE:

- ☐ Regulatory Change
- ☐ Other Agency Requested Change
- ☐ Design Errors Change
- ☐ Design Omission Change
- ☐ County Requested Change
- ✓ Unforeseen or Unforeseeable Change

ORIGINAL CONTRACT AMOUNT	$ 11060426.63
COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED	$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER	$ 11060426.63
COST OF CONSTRUCTION CHANGES THIS ORDER	$ 627655.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	$ 11688081.63
PER CENT INCREASE, THIS CHANGE ORDER.	5.67%
TOTAL PER CENT INCREASE TO DATE.....	5.67%
EXTENSION OF TIME ALLOWED BY THIS CHANGE 0 CALENDAR DAYS TO May 9, 2009	

CERTIFYING STATEMENT: *I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit competitive bidding.*

Abdias Saenz 10/14/08

SIGNATURE CONSULTING ARCHITECT OR ENGINEER

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER

DEPARTMENT | FUNDS BUDGETED CODE | CERTIFIED BY

ACCEPTED BY: Thomas Curry Treasurer
CONTRACTOR

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
10/9/08
SURETY- D.W. MATSON III, ATTORNEY-IN-FACT

APPROVED:
BUDGET DIRECTOR

DADE COUNTY, Florida
By its BOARD OF COUNTY COMMISSIONERS

RECOMMENDED: Fred Stein III
PROJECT MANAGER CHIEF ARCHITECT/CHIEF ENGINEER

By:
County Manager DATE

APPROVED: 10/17/08
HNTB (CONSULTING ENGINEER), DEPT. BUSINESS DEVELOPMENT

ATTEST:

APPROVED:
DEPARTMENTAL DIRECTOR

By:
Deputy Clerk

cc: A/E Consultant, General Contractor, Surety, Project Manager, HNTB, DAC Projects Control, Contracts Administration

7

FD5.115 2/99

TRAVELERS

POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety 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
United States Fidelity and Guaranty Company

Attorney-In Fact No. 216588 **Certificate No.** 002261347

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, 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

D. W. Matson III, and John W. Charlton

of the City of Coral Gables, 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.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 11th day of March, 2008.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety 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
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By: George W. Thompson, Senior Vice President

On this the 11th day of March, 2008, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety 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, 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, 2011.

Marie C. Tetreault, Notary Public

8

58440-5-07 Printed in U.S.A.

K150A

MIAMI - DADE COUNTY AVIATION DEPARTMENT

MIAMI INTERNATIONAL AIRPORT

Status: In Transit

Created: 11/19/07

Capital Project Fact Sheet (CPFS)

PROJECT BUDGET: Revision #3

Printed: 11/29/2007

PROJECT NAME: MIA SOUTH TERMINAL DUAL TAXIWAY **PROJECT NO:** K150A

CIP #: 651

PROJECT DESCRIPTION: (If Revision, State Reasons for Change)

This project will construct Dual [illegible] "P" and "Q" access to the South Terminal Complex serving Concourse "H" and the New Concourse "J". relocate the jet fuel hydrant system control valve pit, remove and store passenger loading bridges from the Concourse "H" Headhouse and repair the building, remove high mast apron lighting, construct a new 9W6 electric ductbank to Concourse "H", and install additional taxiway centerline lights. The work includes but is not limited to airfield paving and drainage and the relocation of the primary fuel system isolation valve pit adjacent to the existing Concourse H Headhouse. Other airfield infrastructure as necessary to provide a functional taxiway system shall also be included.

ITEM DESCRIPTION	INITIAL/PRIOR BUDGET ESCALATED $	REVISED BUDGET ESCALATED $
A. Construction Costs (See page 2 for Details)	$12,663,000	$11,663,000
B. Furnishings, Fixtures & Equipment	$0	$0
C. Art in Public Places (APP)	$0	$0
D. Other Costs	$2,673,000	$2,613,000
TOTALS:	$15,325,000	$14,276,000

Project Schedule		Project Areas			Funding		CIP Book	
Start Design	12/3/04	New Rental Area	NO		Funding Source:		CIP Book:	YES
Advertise	5/3/07	Airline Support		SF	Budget Code:		CIP Date:	3/22/07
Award	10/16/07	Concession (s)		SF	Bond Series:		CIP Amount:	$15,542,000
NTP	1/7/08	Other		SF	Federal Grant:			
Const. Mid Point	8/21/08	TOTALS:		SF	State Grant:			
Completion	4/5/09				PFC Funds:			

11/30/07
Program Services Mgr.

Budget Verified: 12/6/07
Print Name: Robin D. Pearsell — Date
Capital Finance Manager

Recommended: 11-29-07
Print Name: FRANKLIN STIRRUP — Date
Project Manager, Planning/Facilities/DAC

Index Code Established:
Print Name: — Date
Controller

Recommended: 12-5-2007
Print Name: SONYA HARMAN — Date
Division Director, Planning

Recommended: 12.3.07
Print Name: TYRONE D. BROWNE — Date
Chief of Design/Construction

Approval: 12/10/07
Print Name: Chief Financial Officer — Date
Chief Financial Officer

Approved: 11-29-07
Print Name: NARINDER JOLLY — Date
Asst. Dir., Capital Facilities Development

9

MIAMI - DADE COUNTY AVIATION :PARTMENT

MIAMI INTERNATIONAL AIRPORT

Status: In Transit

Created: 11/19/07

Capital Project Fact Sheet (CPFS)

PROJECT BUDGET: Revision #3

Printed: 11/29/2007

PROJECT NAME: MIA SOUTH TERMINAL DUAL TAXIWAY

PROJECT NO: K150A

A. CONSTRUCTION COST	Estimated as of 11/19/07	Escalated $ Amount	Actual Paid as of
A.1 New Constr: _____ SF x _____ /SF = _____			
A.2 Renovation: _____ SF x _____ /SF = _____			
A.3 Demolition: _____ SF x _____ /SF = _____ **SubTotal:**	$0	$0	
A.4 Built In Equipment - Escalators, Elevators, Moving Walks, etc.:	$0	$0	
A.5 Temporary Moves. (R[illegible]on of Tenants during construction)	$10,032,133	$10,032,000	
A.6 Civil Work - Roads, Aprons, Utilities, etc.:	$0	$0	
A.7 Environmental Remediation:	$627,655	$628,000	
A.8 SUBTOTAL : A.1 Thru A.7	**$10,659,788**	**$10,660,000**	
A.9 Allowance Account:	$1,003,213	$1,003,000	
A.10 TOTAL CONSTRUCTION COST: A.8 + A.9	**$11,663,001**	**$11,663,000**	**$0**
B. FURNISHINGS, FIXTURES AND NON-INTEGRAL EQUIPMENT	**$0**	**$0**	**$0**
C. ART IN PUBLIC PLACES (APP)			
NOTE: This is an approximation of the actual amount. Actual fees are to be in accord with the "APP Fee Calculations" form.			
(A.1 + A.9 + D.1) x 1.5%	**$0**	**$0**	**$0**
D. OTHER COSTS			
D.1 Professional Fees (A/E Consultants, Basic)	$500,000	$500,000	$0
D.2 Professional Fees (A/E Consultants, Additional, Reimbursable, Worksite)	$186,026	$186,000	$0
D.3 Other Costs	$1,926,546	$1,927,000	$0
D.4 SUBTOTAL : D.1 Thru D.3	**$2,612,572**	**$2,613,000**	**$0**
TOTAL COSTS (A + B + C + D)	**$14,275,573**	**$14,276,000**	**$0**

E. REMARKS

The User Group recommended the approval of this new project as its Dec. 3, 2004 User Group meeting. Since there was an insufficient balance in the User Group Contingency to fully fund the project, the Users recommended only the design of this project were funded at that time $1,025,000 (See CCR 241). No CPFS created at that time.
FAB (4/14/05): This CCR 277 is for the funding of the construction component of the project including the previously approved $1,025,000 by User's Group on Dec. 3, 2004. The total project cost is $9.8M.
JL (1/05/06): AE services has been paid under project H010A. This estimate is to transfer the budget from CIP 651 to CIP 626 to reflect the changes. Please refer to CCRs 383 and 381.
AE (03/27/07): Project budget increased due to cost escalation and additional scope changes were included in the new CIP budget of $6.2 B approved by BCC on March 22, 2007.
PY (11/19/07): THis CPFS has been updated to reflect the awared construction contract amount. Please refer to CCR 567.

10

MIAMI - DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO 1 PROJECT NO. K150A DATE: 09/30/08

PROJECT NAME: MIA SOUTH TERMINAL DUAL TAXIWAY

BOND NO.:104827701

TO CONTRACTOR: MARKS BROTHERS, INC.

YOU ARE HEREBY REQUESTED TO MAKE THE FOLLOWING CHANGES TO THE CURRENT CONTRACT, AND TO PERFORM THE WORK SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

ITEM NO.	DESCRIPTION	AMOUNT
1	Increase the Allowance Account	$627,655.00

to replenish the Allowance Account for Environmental Remediation work performed for the dewatering and treatment of contaminated groundwater and the transportation and disposal of non-hazardous soil encountered during the installation of the jet fuel system pipes authorized for performance by the Contractor through the General Allowance Account; and to provide adequate funding to complete the Project, including, but not limited to unforeseen conditions that may further be encountered during the course of construction.

JUSTIFICATION: UNFORESEEN OR UNFORESEEABLE CHANGE

RELEASE OF CLAIM

This Change Order provides funding for the General Allowance Account and does not authorize the Contractor to either perform the work described herein or entitle the Contractor to claim or receive payment of any of the funds referenced herein unless and until a Work Order, duly executed pursuant to Contract provisions, so authorizes and entitles the Contractor. Such Work Orders, when executed, contain appropriate waiver and release clauses pertinent to the work description and cost provisions included therein. This Change Order does not obligate the Contractor to finish all current and future work for a fixed price or for the additional amount added by this Change Order, and in executing this Change Order; the Contractor waives all rights to make a claim as a result of this Change Order.

SUMMARY OF CONTRACT AMOUNT

ORIGINAL CONTRACT AMOUNT	$ 11060426.63
COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED	$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER	$ 11060426.63
COST OF CONSTRUCTION CHANGES THIS ORDER	$ 627655.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	$ 11688081.63
PER CENT INCREASE, THIS CHANGE ORDER.	5.67%
TOTAL PER CENT INCREASE TO DATE.....	5.67%
EXTENSION OF TIME ALLOWED BY THIS CHANGE 0 CALENDAR DAYS TO May 9, 2009	

REASON FOR CHANGE:

- ☐ Regulatory Change
- ☐ Other Agency Requested Change
- ☐ Design Errors Change
- ☐ Design Omission Change
- ☐ County Requested Change
- ✓ Unforeseen or Unforeseeable Change

CERTIFYING STATEMENT: *I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit competitive bidding.*

Abdias Saenz 10/14/08

SIGNATURE CONSULTING ARCHITECT OR ENGINEER

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER

DEPARTMENT | FUNDS BUDGETED CODE | CERTIFIED BY

ACCEPTED BY: Thomas Sneed, Treasurer
CONTRACTOR

TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA

10/9/08

SURETY - D.W. MATSON III, ATTORNEY-IN-FACT

APPROVED: BUDGET DIRECTOR

DADE COUNTY, Florida
By its BOARD OF COUNTY COMMISSIONERS

RECOMMENDED: PROJECT MANAGER CHIEF ARCHITECT/CHIEF ENGINEER

By: County Manager DATE

APPROVED: 10/17/08
HNTB (CONSULTING ENGINEER). DEPT. BUSINESS DEVELOPMENT

ATTEST:

APPROVED: DEPARTMENTAL DIRECTOR

By: Deputy Clerk

cc: A/E Consultant, General Contractor, Surety, Project Manager, HNTB, DAC Projects Control, Contracts Administration

FD5.115 2/99

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

TRAVELERS

POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety 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
United States Fidelity and Guaranty Company

Attorney-In Fact No. 216588 **Certificate No.** 002261346

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, 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

D. W. Matson III, and John W. Charlton

of the City of Coral Gables, 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.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 11th day of March, 2008.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety 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
United States Fidelity and Guaranty Company

State of Connecticut
City of Hartford ss.

By: George W. Thompson, Senior Vice President

On this the 11th day of March, 2008, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety 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, 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, 2011.

Marie C. Tetreault, Notary Public

12

58440-5-07 Printed in U.S.A.

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

K150A

MIAMI - DADE COUNTY AVIATION DEPARTMENT

MIAMI INTERNATIONAL AIRPORT

Status: In Transit

Created: 11/19/07

Capital Project Fact Sheet (CPFS)

PROJECT BUDGET: Revision #3

Printed: 11/29/2007

PROJECT NAME: MIA SOUTH TERMINAL DUAL TAXIWAY **PROJECT NO:** K150A

CIP #: 651

PROJECT DESCRIPTION: (If Revision, State Reasons for Change)

This project will construct Dual [illegible] "P" and "Q" access to the South Terminal Complex serving Concourse "H" and the New Concourse "J". relocate the jet fuel hydrant system control valve pit, remove and store passenger loading bridges from the Concourse "H" Headhouse and repair the building, remove high mast apron lighting, construct a new 9W6 electric ductbank to Concourse "H", and install additional taxiway centerline lights. The work includes but is not limited to airfield paving and drainage and the relocation of the primary fuel system isolation valve pit adjacent to the existing Concourse H Headhouse. Other airfield infrastructure as necessary to provide a functional taxiway system shall also be included.

ITEM DESCRIPTION	INITIAL/PRIOR BUDGET ESCALATED $	REVISED BUDGET ESCALATED $
A. Construction Costs (See page 2 for Details)	$12,663,000	$11,663,000
B. Furnishings, Fixtures & Equipment	$0	$0
C. Art in Public Places (APP)	$0	$0
D. Other Costs	$2,673,000	$2,613,000
TOTALS:	$15,325,000	$14,276,000

Project Schedule		Project Areas			Funding		CIP Book	
Start Design	12/3/04	New Rental Area	NO		Funding Source:		CIP Book:	YES
Advertise	5/3/07	Airline Support		SF	Budget Code:		CIP Date:	3/22/07
Award	10/16/07	Concession (s)		SF	Bond Series:		CIP Amount:	$15,542,000
NTP	1/7/08	Other		SF	Federal Grant:			
Const. Mid Point	8/21/08	TOTALS:		SF	State Grant:		11/30/07	
Completion	4/5/09				PFC Funds:		Program Services Mgr.	

Budget Verified: 12/6/07
Print Name: Robin D. Pearsall — Date
Capital Finance Manager

Recommended: 11-29-07
Print Name: FRANKLIN STIRRUP — Date
Project Manager Planning/Facilities/DAC

Index Code Established:
Print Name: — Date
Controller

Recommended: 12-5-2007
Print Name: SONYA HARMAN — Date
Division Director, Planning

Recommended: 12.3.07
Print Name: TYRONE D. BROWNE — Date
Chief of Design/Construction

13

Approval: 12/10/07
Print Name: Chief Financial Officer — Date
Chief Financial Officer

Approved: 11-29-07
Print Name: NARINDER JOLLY — Date
Asst. Dir., Capital Facilities Development

MIAMI - DADE COUNTY AVIATION DEPARTMENT

MIAMI INTERNATIONAL AIRPORT

Status: In Transit

Created: 11/19/07

Capital Project Fact Sheet (CPFS)

PROJECT BUDGET: Revision #3

Printed: 11/29/2007

PROJECT NAME: MIA SOUTH TERMINAL DUAL TAXIWAY

PROJECT NO: K150A

A. CONSTRUCTION COST	Estimated as of 11/19/07	Escalated $ Amount	Actual Paid as of
A.1 New Constr: _____ SF x _____ /SF = _____			
A.2 Renovation: _____ SF x _____ /SF = _____			
A.3 Demolition: _____ SF x _____ /SF = _____ **SubTotal:**	$0	$0	
A.4 Built In Equipment - Escalators, Elevators, Moving Walks, etc.:	$0	$0	
A.5 Temporary Moves. (Relocation of Tenants during construction)	$10,032,133	$10,032,000	
A.6 Civil Work - Roads, Aprons, Utilities, etc.:	$0	$0	
A.7 Environmental Remediation:	$627,655	$628,000	
A.8 SUBTOTAL : A.1 Thru A.7	**$10,659,788**	**$10,660,000**	
A.9 Allowance Account:	$1,003,213	$1,003,000	
A.10 TOTAL CONSTRUCTION COST: A.8 + A.9	**$11,663,001**	**$11,663,000**	**$0**
B. FURNISHINGS, FIXTURES AND NON-INTEGRAL EQUIPMENT	**$0**	**$0**	**$0**
C. ART IN PUBLIC PLACES (APP)			
NOTE: This is an approximation of the actual amount. Actual fees are to be in accord with the "APP Fee Calculations" form.			
(A.1 + A.9 + D.1) x 1.5%	**$0**	**$0**	**$0**
D. OTHER COSTS			
D.1 Professional Fees (A/E Consultants, Basic)	$500,000	$500,000	$0
D.2 Professional Fees (A/E Consultants, Additional, Reimbursable, Worksite)	$186,026	$186,000	$0
D.3 Other Costs	$1,926,546	$1,927,000	$0
D.4 SUBTOTAL : D.1 Thru D.3	**$2,612,572**	**$2,613,000**	**$0**
TOTAL COSTS (A + B + C + D)	**$14,275,573**	**$14,276,000**	**$0**

E. REMARKS

The User Group recommended the approval of this new project as its Dec. 3, 2004 User Group meeting. Since there was an insufficient balance in the User Group Contingency to fully fund the project, the Users recommended only the design of this project were funded at that time $1,025,000 (See CCR 241). No CPFS created at that time.
FAB (4/14/05): This CCR 277 is for the funding of the construction component of the project including the previously approved $1,025,000 by User's Group on Dec. 3, 2004. The total project cost is $9.8M.
JL (1/05/06): AE services has been paid under project H010A. This estimate is to transfer the budget from CIP 651 to CIP 626 to reflect the changes. Please refer to CCRs 383 and 381.
AE (03/27/07): Project budget increased due to cost escalation and additional scope changes were included in the new CIP budget of $6.2 B approved by BCC on March 22, 2007.
PY (11/19/07): THis CPFS has been updated to reflect the awared construction contract amount. Please refer to CCR 567.

14

MIAMI - DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO 1 PROJECT NO. K150A DATE: 09/30/08

PROJECT NAME: MIA SOUTH TERMINAL DUAL TAXIWAY

TO CONTRACTOR: MARKS BROTHERS, INC. BOND NO.:104827701

YOU ARE HEREBY REQUESTED TO MAKE THE FOLLOWING CHANGES TO THE CURRENT CONTRACT, AND TO PERFORM THE WORK SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

ITEM NO.	DESCRIPTION	AMOUNT
1	Increase the Allowance Account	$627,655.00

to replenish the Allowance Account for Environmental Remediation work performed for the dewatering and treatment of contaminated groundwater and the transportation and disposal of non-hazardous soil encountered during the installation of the jet fuel system pipes authorized for performance by the Contractor through the General Allowance Account; and to provide adequate funding to complete the Project, including, but not limited to unforeseen conditions that may further be encountered during the course of construction.

JUSTIFICATION: UNFORESEEN OR UNFORESEEABLE CHANGE

RELEASE OF CLAIM

This Change Order provides funding for the General Allowance Account and does not authorize the Contractor to either perform the work described herein or entitle the Contractor to claim or receive payment of any of the funds referenced herein unless and until a Work Order, duly executed pursuant to Contract provisions, so authorizes and entitles the Contractor. Such Work Orders, when executed, contain appropriate waiver and release clauses pertinent to the work description and cost provisions included therein. This Change Order does not obligate the Contractor to finish all current and future work for a fixed price or for the additional amount added by this Change Order, and in executing this Change Order; the Contractor waives all rights to make a claim as a result of this Change Order.

SUMMARY OF CONTRACT AMOUNT

REASON FOR CHANGE:
- ☐ Regulatory Change
- ☐ Other Agency Requested Change
- ☐ Design Errors Change
- ☐ Design Omission Change
- ☐ County Requested Change
- ✓ Unforeseen or Unforeseeable Change

ORIGINAL CONTRACT AMOUNT	$ 11060426.63
COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED	$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER	$ 11060426.63
COST OF CONSTRUCTION CHANGES THIS ORDER	$ 627655.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	$ 11688081.63
PER CENT INCREASE, THIS CHANGE ORDER.	5.67%
TOTAL PER CENT INCREASE TO DATE	5.67%
EXTENSION OF TIME ALLOWED BY THIS CHANGE 0 CALENDAR DAYS TO May 9, 2009	

CERTIFYING STATEMENT: *I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit competitive bidding.*

Alodias Saenz 10/14/08

SIGNATURE CONSULTING ARCHITECT OR ENGINEER

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER

DEPARTMENT | FUNDS BUDGETED CODE | CERTIFIED BY

ACCEPTED BY: Thomas Sun, Treasurer
CONTRACTOR
TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA
10/9/08
SURETY - R.V. MATSON III, ATTORNEY-IN-FACT

APPROVED: BUDGET DIRECTOR
DADE COUNTY, Florida
By its BOARD OF COUNTY COMMISSIONERS

RECOMMENDED: PROJECT MANAGER CHIEF ARCHITECT/CHIEF ENGINEER

By: County Manager DATE

APPROVED: 10/17/08
HNTB (CONSULTING ENGINEER), DEPT. BUSINESS DEVELOPMENT

ATTEST:

APPROVED: DEPARTMENTAL DIRECTOR

By: Deputy Clerk

cc: A/E Consultant, General Contractor, Surety, Project Manager, HNTB, DAC Projects Control, Contracts Administration

15

FD5.115 2/99

Memorandum

MIAMI-DADE COUNTY

Supplement to
Agenda Item No.
8(A)1K

Date: January 22, 2009

To: Honorable Chairman Dennis C. Moss
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Subject: Supplemental Information to Change Order No. 1 to the contract with Marks Brothers, Inc., for construction of the MIA South Terminal Dual Taxiway Project, MDAD Project No. K-150, at Miami International Airport (MIA)

The following supplemental information is provided in response to questions raised by Commissioner Rebeca Sosa at the December 11, 2008 Airport and Tourism Committee regarding the funding source for this project.

This project is in the Aviation Department's Capital Improvement Program (CIP) and funded from airport revenue bonds and Federal Aviation Administration (FAA) grant funds. For large and medium primary hub airports, FAA grants typically cover 75 percent of eligible costs. MDAD has allocated $15,542,000.00 for this project within the Board-approved $6.2 billion CIP budget. The original total contract amount is $11,060,426.63, which includes a General Allowance Account in the amount of $1,003,213.30. The subject change increases the contract by $627,655.00, for an adjusted contract value of $11,688,081.63 – still well within MDAD's CIP budget allocation. The funding breakdown is as follows:

FAA Grant Funds	$ 8,295,320.00
Airport Revenue Bonds	$ 3,392,761.63
Total	$11,688,081.63

Assistant County Manager