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CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: November 3, 2009

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

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

From: George M. Burgess
County Manager

Resolution No. R-1251-09

Subject: Retroactive Change Order No. 1 (Final) for Oil Water Separators at nineteen (19) Metromover Stations – Project No: UFP013 (PTP); Contract No: UFP013-TR06-CT1 – Decreasing the Contract Amount by ($51,118.48), to ESD Waste 2 Water, Inc.

Recommendation

The attached Retroactive Change Order No. 1 (Final) on a contract between ESD Waste 2 Water, Inc. and Miami-Dade County has been prepared by Miami-Dade Transit and is recommended for approval.

CHANGE ORDER NUMBER: 1

Scope

PROJECT NAME: Oil Water Separators at nineteen (19) Metromover Stations

PROJECT NO: UFP013 (PTP)

CONTRACT NO: UFP013-TR06-CT1

PROJECT DESCRIPTION: The project consists of the supply and installation of new package oil/water separators for the escalators and elevators at nineteen (19) Metromover Stations in accordance with the contract drawings and the specifications

PROJECT LOCATION: The following Metromover Stations: School Board, Omni, Eleventh Street, Park West, Freedom Tower, Arena/State Plaza, Miami Avenue, First Street, College/Bayside, Riverwalk, Fifth Street, Eighth Street, Tenth Street/Promenade, Brickell, Financial District, Bicentennial Park, Bayfront Park, Third Street and College Bayside

PRIMARY COMMISSION DISTRICT: Various Districts

APPROVAL PATH: Board of County Commissioners

USING DEPARTMENT: Miami-Dade Transit

MANAGING DEPARTMENT: Miami-Dade Transit

Fiscal Impact / Funding Source

CHANGE ORDER FUNDING SOURCE:	10% - Federal Transit Administration (FTA); 90% Charter County Transit System (Surtax)
PTP FUNDING:	Yes
GOB FUNDING:	No
ARRA FUNDING:	No
CHANGE ORDER DESCRIPTION:	This Change Order is required for the following reasons: 1. Adjust the base contract amount as a result of the increases and decreases in the original lump sum items that had to be revised to incorporate the work caused by unforeseen field conditions. 2. Revise Bid Item 01010.01, Allowance Account for Unforeseen Changes, to reflect the actual expended amount in compliance with Paragraph 1.08E of the Contract Conditions.
MONETARY JUSTIFICATION:	Change Notice #1: According to the contractor's assessment of the Metromover stations, existing site conditions required adjustments to be made at each station to provide improved system installation. The net result was an increase in cost to thirteen (13) original bid items and a decrease in cost to five (5) original bid items. Cost increases were due to increases in the separator capacity (gallons/minute rating) and the provision of either a 3/16 inch thick aluminum (painted) or a 3/16 inch stainless steel protective enclosure. Cost decreases were due to decreases in the separator capacity (gallons/minute rating), non-removal of existing sump pumps, and deletion of specified fencing. The combined changes resulted in a net increase of $32,425.00. Change Notice #2: Paragraph 1.08.E of the Contract Conditions states: "Upon completion of the work, the Contract Price shall be decreased by Change Order to reflect unexpended amounts under this Allowance Account." To date, a total of $18,501.52 has been expended from the Allowance Account. This work included the pumping out of the existing sumps; additional permit requirements and the provision of 100 filter bags required for future use. As a result, Miami-Dade County is entitled to a reduction of ($83,543.48) -- (the original amount of the Allowance Account, $102,045.00 less $18,501.52) in the contract amount.

In summary, the total amount for this Change Order is as follows:
1. Change Notice #1 $32,425.00

2. Change Notice #2 ($83,543.48)

Total ($51,118.48)

TIME JUSTIFICATION: Not applicable

	Original Contract Values	Previous Adjustments To Values	This Change Order Values	Current Totals	Total Paid	Balance After Change Order
BASE:	$1,020,450.00	$0.00	$32,425.00	$1,052,875.00	$1,052,875.00	$0.00
CONTINGENCY:	$102,045.00	$0.00	($83,543.48)	$18,501.52	$18,501.52	$0.00
DEDICATED:	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
TOTALS:	$1,122,495.00	$0.00	($51,118.48)	$1,071,376.52	$1,071,376.52	$0.00

	Original Contract Duration	Previous Adjustments To Duration	This Change Order Duration	Current Totals
BASE DURATION:	270	0	0	270
CONTINGENCY:	0	0	0	0
TOTAL DURATION:	270	0	0	270

INITIATING FACTOR(S) FOR CHANGE ORDER

Reason	Cost	Duration
County Requested Change	($51,118.48)	0
	($51,118.48)	0

Track Record / Monitor

PERFORMANCE RECORD: The CIIS database lists one (1) contract for ESD Waste 2 Water, Inc. with two (2) performance evaluations with an average rating of (3.6) points out of a maximum score of four (4.0) points. The rating in CIIS reflects the vendor's performance on this particular contract.

PRIME CONTRACTOR: ESD Waste 2 Water, Inc.

COMPANY PRINCIPAL: Jon E. Houchens

COMPANY QUALIFIERS: Jon E. Houchens

COMPANY EMAIL ADDRESS: jhouchens@waste2water.com

COMPANY STREET ADDRESS:	495 Oak Road
COMPANY CITY-STATE-ZIP:	Ocala, FL 34472
YEARS IN BUSINESS AT TIME OF AWARD:	7
PREVIOUS CONTRACTS WITH COUNTY IN THE LAST FIVE YEARS AT TIME OF AWARD:	According to the Firm History Report as provided by the Department of Small Business Development, the contractor has received no contracts from Miami-Dade County during the previous five (5) years.
SUB CONTRACTORS AND SUPPLIERS (SECTION 10-34 MIAMI DADE COUNTY CODE):	I G W T CONSTRUCTION, INC.

REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:

TYPE	GOAL	ESTIMATED VALUE	ACHIEVED
DBE	29.00%	$325,523.55	$219,679.00
CWP	0.00%	0	

CONTRACT MANAGER NAME / PHONE / EMAIL:	Surinder Sahota	(786) 469-5265	sahota@miamidade.gov
PROJECT MANAGER NAME / PHONE / EMAIL:	Akbar Sharifi	(786) 469-5269	AKR@miamidade.gov

Background

BACKGROUND:

This contract is to provide and install new packaged oil/water separators for the existing escalators and elevators at nineteen (19) Metromover Stations in accordance with the applicable contract drawings and technical specifications. These separators are designed to treat the rain water runoff generated in the sump pits of the existing escalators and elevators prior to connecting into the stormwater drainage system and to conform to the Department of Environmental Resources Management's requirements.

The Notice-To-Proceed (NTP) for this contract was given to the contractor on April 7, 2008. The contract duration of 270 calendar days resulted in a contract completion date of January 2, 2009.

Due to unforeseen changes, scope and bid items were reduced by MDT for the project, impacting fencing and plumbing work. This scope reduction affected the possible DBE participation rate. While the prime continued good faith efforts to achieve the 29% DBE participation in spite of the reduced scope requirements, this resulted in achievement of a 20.5% DBE participation, or $219,679.00, based on the total amount of $1,071,376.52 expended for the project.

9-14-09

BUDGET APPROVAL FUNDS AVAILABLE: **OSBM DIRECTOR** 9/14/09 **DATE**

APPROVED AS TO LEGAL SUFFICIENCY: **COUNTY ATTORNEY** 7/28/09 **DATE**

For JM

CAPITAL IMPROVEMENTS CONCURRENCE: GN 9/25 **OCI DIRECTOR** 9/25/09 **DATE**

ASSISTANT COUNTY MANAGER 9-29-09 **DATE**

CLERK DATE

DATE

MEMORANDUM
(Revised)

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

DATE: November 3, 2009

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

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

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**

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

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) 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(J)(1)(A)
11-3-09

RESOLUTION NO. **R-1251-09**

RESOLUTION APPROVING RETROACTIVE CHANGE ORDER NO: 1 (FINAL) ON A CONTRACT BETWEEN ESD WASTE2WATER, INC. AND MIAMI-DADE COUNTY FOR PROJECT NO: UFP013 PTP; CONTRACT NO: UFP013-TR06-CT1, OIL WATER SEPARATORS AT NINETEEN (19) METROMOVER STATIONS; DECREASING THE CONTRACT AMOUNT BY ($51,118.48); AND AUTHORIZING THE COUNTY MAYOR, OR COUNTY MAYOR'S 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 approves Retroactive Change Order No. 1 (Final) between ESD Waste2Water, Inc. and Miami-Dade County for Project No: UFP013 PTP; Contract No: UFP013-TR06-CT1, Oil Water Separators at nineteen (19) Metromover Stations; decreasing the contract amount by ($51,118.48) in substantially the form attached hereto and made a part thereof; and authorizes the County Mayor, or County Mayor's designee, to execute same for and on behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner **Jose "Pepe" Diaz** , 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	**aye**
Carlos A. Gimenez	**aye**	Sally A. Heyman	**absent**
Barbara J. Jordan	**aye**	Joe A. Martinez	**aye**
Dorrin D. Rolle	**aye**	Natacha Seijas	**aye**
Katy Sorenson	**aye**	Rebeca Sosa	**nay**
Sen. Javier D. Souto	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of November, 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: **DIANE COLLINS**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Bruce Libhaber

SUMMARY BID TABULATION

OIL WATER SEPARATORS AT NINETEEN (19) METROMOVER STATIONS - CONTRACT NO. UFP013-TR06-CT1
BID OPENING - APRIL 25, 2007

	TOTALS		
	Engineer's Estimate (1)	Total Bid (2)	Difference (1) - (2)
ESD WASTE2WATER, INC.	1,202,028.30	1,122,495.00	79,533.30
KIEWET SOUTHERN COMPANY	1,202,028.30	3,675,100.00	(2,473,071.70)

NOTES:

1) ESD WASTE2WATER, INC. IS THE LOWEST BIDDER

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Memorandum

MIAMI-DADE COUNTY

Date: May 31, 2007

To: Ivonne Andres
Construction & Engineering Section

From: Dunbar Cornelle
Office of Civil Rights & Labor Relations

Subject: Disadvantaged Business Enterprise (DBE)Compliance Review of Bid Package Submitted by ESD Waste2Water in Connection with the Oil Water Separators Bid Solicitation

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MDT's DBE Compliance Section has reviewed the bid package submitted by ESD Waste2Water and found said firm to be compliant with the DBE requirements on the above-captioned project, by providing a Schedule for Participation demonstrating 29 percent of bid price slated for I.G.W.T, the sole DBE subcontractor on the team.

Should there be any questions, please contact this office.

STRATEGIC AREA: Transportation
DEPARTMENT: Transit

******* FUNDED PROJECTS *******
(dollars in thousands)

Metromover Projects

METROMOVER STATION CANOPIES AND ESCALATOR REPLACEMENT **PROJECT # 6710640**

DESCRIPTION: Replace canopies at Metromover stations and escalators at both Metrorail and Metromover stations

LOCATION: Countywide
Countywide

DISTRICT LOCATED: Countywide
ESTIMATED ANNUAL OPERATING IMPACT: Minimal
DISTRICT(s) SERVED: Countywide

REVENUE SCHEDULE:	PRIOR	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	FUTURE	TOTAL
FDOT Funds	2,000	0	0	0	0	0	0	0	2,000
Sunshine State Financing	220	0	0	0	0	0	0	0	220
People's Transportation Plan Bond Program	795	0	3,990	0	0	0	0	0	4,785
TOTAL REVENUE:	3,015	0	3,990	0	0	0	0	0	~~7,805~~ 8,395

EXPENDITURE SCHEDULE:	PRIOR	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	FUTURE	TOTAL
Planning and Design	264	10	0	0	0	0	0	0	274
Construction	0	255	2,350	2,250	1,650	0	0	0	6,505
Other	16	45	75	50	40	0	0	0	226
TOTAL EXPENDITURES:	280	310	2,425	2,300	1,690	0	0	0	~~7,805~~ 8,395

MOVER VEHICLE REPLACEMENT - PHASE I **PROJECT # 6710570**

DESCRIPTION: Replace the original 12 Metromover vehicles

LOCATION: Countywide
Countywide

DISTRICT LOCATED: 5
ESTIMATED ANNUAL OPERATING IMPACT: Minimal
DISTRICT(s) SERVED: Countywide

REVENUE SCHEDULE:	PRIOR	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	FUTURE	TOTAL
Sunshine State Financing	1,044	0	0	0	0	0	0	0	1,044
People's Transportation Plan Bond Program	22,415	0	9,584	0	0	0	0	0	31,999
TOTAL REVENUE:	23,459	0	9,584	0	0	0	0	0	33,043

EXPENDITURE SCHEDULE:	PRIOR	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	FUTURE	TOTAL
Planning and Design	604	0	0	0	0	0	0	0	604
Equipment Acquisition	10,704	8,461	7,320	0	0	0	0	0	26,485
Project Contingency	400	200	500	170	0	0	0	0	1,270
Other	1,714	1,376	1,594	0	0	0	0	0	4,684
TOTAL EXPENDITURES:	13,422	10,037	9,414	170	0	0	0	0	33,043

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BUDGET PROJECT 6710640 - (As per 2008-2009 Approved Budget)

Project Title: 6710640-METROMOVER OIL-WATER SEPARATORS

Project Desc: Replace oil-water separators at Metromover stations

	Prior:	08-09:	09-10:	10-11:	11-12:	12-13:	13-14:	FUTURE:	Total:
CDP Revenue	1,056,000	66,000	0	0	0	0	0	0	1,122,000
CDP Expenditures	1,056,000	66,000	0	0	0	0	0	0	1,122,000

Project Type: Capital Update Type

CDP Project Revenue

CDP Revenue:	Prior:	08-09:	09-10:	10-11:	11-12:	12-13:	13-14:	FUTURE:	Total:
People's Transportati	1,056,000	66,000	0	0	0	0	0	0	1,122,000

CDP Project Milestones

CDP Milestone:	Prior:	08-09:	09-10:	10-11:	11-12:	12-13:	13-14:	FUTURE:	Total:
Planning/Design	274,000	0	0	0	0	0	0	0	274,000
Construction	782,000	66,000	0	0	0	0	0	0	848,000

CIIS Site Funding Info

SITE / Location:	Prior:	08-09:	09-10:	10-11:	11-12:	12-13:	13-14:	FUTURE:	Total:
72687-School Board, 50 NE 15TH ST	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72688-100 NE 5TH ST	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72689-Omni, 1455 BISCAYNE BLVD	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72691-Eleventh St, 1098 NE 2nd Ave	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72692-Park West, 800 NE 2nd Ave	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72693-Freedom Tower, 600 NE 2nd Ave	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72694-Arena/State Plaza 90 NW 5th St	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72695-Government Center, 138 NW 3rd St	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72697-Miami Avenue. 90 Miami Ave	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72698-Miami Ave, 90 South Miami Ave	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72699-First Street, 225 NE 1st St	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72700-College/Bayside, 225 NE 3rd St	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72701-Riverwalk, 88 SE 4th St	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72702-Fifth Street, 35 SE 5th St	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72703-Eighth Street, 59 SE 8th St	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72704-Tenth Street/Promenade, 1011 SW 1st Ave	1,056,000	66,000	0	0	0	0	0	0	1,122,000

72705-Brickell, 1001 SW 1st Ave	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72706-FInancial District, 50 SE 14th St	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72707-Bicentennial Park, 1191 Biscayne Blvd.	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72708-Bayfront Park, 150 Biscayne Blvd.	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72709-Third Street, 250 South Miami Ave	1,056,000	66,000	0	0	0	0	0	0	1,122,000
72710-College North, 100 NE 5th St	1,056,000	66,000	0	0	0	0	0	0	1,122,000
Total: Count 22	23,232,000	1,452,000	0	0	0	0	0	0	24,684,000

Add GEO Coded Site | PROJECT SITES | SITE SCHEDULES REPORT 20

PROJECT REPORT 4

EXIT

Current Contracts for Project 6710640

Dept	ContractNo	Contract Name	RTA / MCC Estimated Allocation	Award / MCC Award Allocation	CIIS Award
MT	UFP012-TR07-CT1	Metromover Escalator Covers & Replacement	$3,015,000.00	$0.00	$0.00
MT	UFP012-TR07-CT1	Metromover Escalator Covers & Replacement	$2,463,363.37	$0.00	$0.00
MT	UFP013-TR06-CT1	Oil Water Separators at nineteen (19) Metromover Stations	$1,215,259.00	$0.00	$1,122,495.00
MT	UFP013-TR06-CT1	Oil Water Separators at nineteen (19) Metromover Stations	$0.00	$1,122,495.00	$1,122,495.00
		Total Allocated:	$6,693,622.37	$1,122,495.00	

Current Contracts for Sites of Project 6710640

(Theses contracts are not necessarily funded from this project)

Dept	Site NO	ContractNo	Award Allocation
MT	#72687	UFP013-TR06-CT1	$65,166.32
MT	#72689	UFP013-TR06-CT1	$73,416.32
MT	#72691	UFP013-TR06-CT1	$56,146.31
MT	#72692	UFP013-TR06-CT1	$63,956.32
MT	#72693	UFP013-TR06-CT1	$65,386.32
MT	#72694	UFP013-TR06-CT1	$64,011.32
MT	#72698	UFP013-TR06-CT1	$32,386.32
MT	#72699	UFP013-TR06-CT1	$67,586.32
MT	#72700	UFP013-TR06-CT1	$60,766.31
MT	#72701	UFP013-TR06-CT1	$41,406.32
MT	#72702	UFP013-TR06-CT1	$32,166.31
MT	#72703	UFP013-TR06-CT1	$65,716.31
MT	#72704	UFP013-TR06-CT1	$62,306.32
MT	#72705		$80,786.31

		UFP013-TR06-CT1		
MT	#72706	UFP013-TR06-CT1		$75,946.32
MT	#72707	UFP013-TR06-CT1		$65,166.31
MT	#72708	UFP013-TR06-CT1		$60,216.31
MT	#72709	UFP013-TR06-CT1		$32,166.32
MT	#72710	UFP013-TR06-CT1		$57,796.31
MT	#72694	UFP012-TR07-CT1		$723,316.00
MT	#72695	UFP012-TR07-CT1		$1,492,018.37
MT	#72710	UFP012-TR07-CT1		$741,365.00
MT	#72700	UFP012-TR07-CT1		$730,193.00
MT	#72699	UFP012-TR07-CT1		$759,102.00
MT	#72708	UFP012-TR07-CT1		$719,317.00
MT	#72697	UFP012-TR07-CT1		$313,052.00
			Total Allocated:	$6,600,858.37

DBD
DEPARTMENT OF
BUSINESS DEVELOPMENT

MIAMI DADE COUNTY

Department of Small Business Development

Firm History Report

From: 09/03/2002 **To:** 09/03/2007

Find Contracts With Search String ==> Projects

Goto Bottom

Exit

OFFICE OF CAPITAL IMPROVEMENTS

CAPITAL IMPROVEMENTS INFORMATION SYSTEM

Thursday, September 17, 2009

All Contracts for FEIN 593685708

ESD Waste 2 Water, Inc.

DST	DPT	Type	Contract	Name	Location / Contractor	Estimated Completion Date	Total Award	Last Status Date	% Complete / Status *
30	MT	CON	UFP013-TR06-CT1	Oil Water Separators at nineteen (19) Metromover	ESD Waste 2 Water, Inc.	1/2/2009	$1,020,450	7/1/2009	100% / N/A
					Totals:	1	$1,020,450		

* Yellow Status=Inactive Contract

Contracts Status View Exit Projects Goto Top

Exit

Capital Improvements Information System

Contractor Evaluations Report

Dept	Contract	Type	Contractor / Architect Name	Date	Rater	Period	Rate
MT	UFP013-TR06-CT1	CON	ESD Waste 2 Water, Inc.	9/10/2008	Neville Hoo	Interim	3.6
MT	UFP013-TR06-CT1	CON	ESD Waste 2 Water, Inc.	12/30/2008	Neville Hoo	Completion of construction	3.5

Evaluation Count: 2 Contractors: 1 Average Evaluation: 3.6

Exit

MIAMI-DADE COUNTY, FLORIDA

MIAMI-DADE TRANSIT

CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO: 01 **CONTRACT NO:** UFP013-TR06-CT1 **DATE:** 6/10/2009

PROJECT TITLE: Oil Water Separators at nineteen (19) Metromover Stations

TO CONTRACTOR: ESD Waste2Water, Inc. 495 Oak Road Ocala, FL 34472

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.

Description of work authorized: This Change Order is required for the following reasons:

1. Increase the base contract amount as a result of the increases and decreases in the original lump sum items that had to be revised to incorporate the work caused by unforeseen field conditions.

2. Revise Bid Item 01010.01, Allowance Account for Unforseen Changes, to reflect the actual expended amount in compliance with Paragraph 1. (Continued below)

Monetary Justification: Change Notice #1:

According to the contractor's assessment of the Metromover stations, existing site conditions required adjustments to be made at each station to provide improved system installation. The net result was an increase in cost to thirteen (13) original bid items and a decrease in cost to five (5) original bid items. Cost increases were due to increases in the separ (Continued below)

Time Justification: Not applicable

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.

SUMMARY OF CONTRACT AMOUNT / TIME

ORIGINAL CONTRACT AMOUNT	$1,122,495.00
COST OF CHANGES PREVIOUSLY ORDERED	$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE	$1,122,495.00
COST OF CHANGES WITH THIS DOCUMENT	($51,118.48)
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE	$1,071,376.52
PERCENT INCREASE WITH THIS CHANGE	-5%
TOTAL PERCENT INCREASE TO DATE	-5%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	270 / 0 / 0
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	0 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE	270

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

Approved: ENGINEER OR CONSULTING ENGINEER _____ Date: 7/10/09

for Recommended By: PROJECT MANAGER _____ Date: 7/23/09

TO BE FILLED OUT BY MIAMI-DADE TRANSIT

FUNDS BUDGET CODE _____

CERTIFIED BY DEPARTMENT'S FINANCE DIVISION: Marjan Kazzi Date: 7/28/09

Accepted By:

Organization	Name	Title	Date
ESD Waste2Water, Inc.	[signature]	Contractor	6/16/09
Surety	[signature]	Surety	6/18/2009

Title	Name	Date
Reviewed By: Manager, Construction Division	A. Sharifi, P.E.	6/24/09
Approved By: Assistant Director	[signature]	8/5/09
Approved By: Director	[signature]	09/02/09
Approved By: Director, ~~D~~SBD	[signature]	8/3/09
Approved By: Director, OSBM	[signature] 9/14/09	9/14/09
Approved By: County Attorney	Bruce Tibbaber	9/9/09
Approved By: County Manager		
Attested By: Clerk of the Board		

Description of work authorized: (Continued)

.08E of the Contract Conditions.

Monetary Justification: (Continued)

ator capacity (gallons/minute rating) and the provision of either a 3/16 inch thick aluminum (painted) or a 3/16" stainless steel protective enclosure. Cost decreases were due to decreases in the separator capacity (gallons/minute rating), non-removal of existing sump pumps, and deletion of specified fencing. The combined changes resulted in a net increase of $32,425.00.

Change Notice #2:

Paragraph 1.08.E of the Contract Conditions states: "Upon completion of the work, the Contract Price shall be decreased by Change Order to reflect unexpended amounts under this Allowance Account". To date, a total of $18,501.52 has been expended from the Allowance Account. This work included the pumping out of the existing sumps; additional permit requirements and the provision of 100 filter bags required for future use. As a result, Miami-Dade County is entitled to a reduction of ($83,543.48) -- (the original amount of the Allowance Account, $102,045.00 less $18,501.52) in the contract amount.

In summary, the total amount for this Change Order is as follows:
1. Change Notice #1 $32,425.00
2. Change Notice #2 ($83,543.48)
Total ($51,118.48)

Time Justification Declaration:

A time extension is provided for additional work performed outside the scope of the original Contract that affects the critical path schedule of the contracted work or previously approved changes. Should additional work be required which does not affect the critical path schedule, no time extension will be granted. Should one item of additional work run concurrent with another item of additional work, only time not duplicated can be provided.

First Sealord Surety, Inc.

Power No: MIA-0467-09-03663

Power of Attorney

KNOW ALL MEN BY THESE PRESENTS: That First Sealord Surety, Inc., a corporation of the Commonwealth of Pennsylvania, (hereinafter the "Company") has made, constituted and appointed, and by these presents does make, constitute and appoint

David B. Shick, David R. Turcios and/or Steven Schumacher all of Tampa, Florida

its true and lawful Attorney-in-Fact, to make, execute and deliver on its behalf insurance policies, surety bonds, undertakings and other instruments of a similar nature as follows:

********** **Not To Exceed Five Million Dollars----------($5,000,000.00)** **********

Such insurance policies, surety bonds, undertakings and instruments for said purposes, when duly executed by the aforesaid Attorney-in-Fact, shall be binding upon the said Corporation as fully and to the same extent as if signed by the duly authorized officers of the Corporation and sealed with its corporate seal; and all the acts of said Attorney-in-Fact, pursuant to the authority hereby given, are hereby ratified and confirmed.

This appointment is made pursuant to the following By-Laws which were duly adopted by the Board of Directors of the said Corporation on April 7, 2003 with all Amendments thereto and are still in full force and effect:

"Article XII: Policies, Bonds, Recognitions, Stipulations, Consents of Surety, Underwriting Undertakings, and Instruments Relating Thereto.

Section 12-1. Insurance policies, bonds, recognitions, stipulations, consents of surety and underwriting undertakings of the Corporation, and releases, agreements and other writings relating in any way thereto or to any claim or loss thereunder, shall be signed in the name and on behalf of the Corporation: a) by the Chairman of the Board, the President or a Vice President, and by the Secretary or an Assistant Secretary; or b) by an Attorney-in-Fact for the Corporation appointed and authorized by the Chairman of the Board, the President, or a Vice President to make such signature; or c) by such other officers or representatives as the Board may from time to time determine. The seal of the Corporation shall if appropriate be affixed thereto by any such officer, Attorney-in-Fact or representative. The authority of such Attorney-in-Fact and Agents shall be as prescribed in the instrument evidencing their appointment. Any such appointment and all authority granted thereby may be revoked at any time by the Board of Directors or by any person empowered to make such appointment."

IN WITNESS WHEREOF, First Sealord Surety, Inc. has caused these presents to be duly signed and its corporate seal to be hereunto affixed and duly attested this 20th day of January, 2004.

First Sealord Surety, Inc.

(Seal) FIRST SEALORD SURETY, INC. CORPORATE SEAL 1991 PENNSYLVANIA

Attest _____ Gary L. Bragg, Secretary

By: _____ Joel D. Cooperman, Vice President

Commonwealth of Pennsylvania
County of Montgomery

On this 20th day of January, 2004, before me personally appeared Joel D. Cooperman, Vice President of First Sealord Surety, Inc., with whom I am personally acquainted, who, being by me duly sworn, said that he resides in the Commonwealth of Pennsylvania, that he is Vice President of First Sealord Surety, Inc., the corporation described in and which executed the foregoing instrument; that he knows the corporate seal of the said Corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation; and that he signed his name thereto as Vice President of said Corporation by like authority.

(Seal) ANTHONY T. STEWART COMMONWEALTH OF PENNSYLVANIA NOTARY PUBLIC _____ - Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Anthony T. Stewart, Notary Public
Lower Merion Twp., Montgomery County
My Commission Expires Aug. 5, 2010
Member, Pennsylvania Association of Notaries

CERTIFICATE

I, the undersigned Secretary of First Sealord Surety, Inc. do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this Certificate and I do further certify that the Officer who executed the said Power of Attorney was one of the Officers authorized by the Board of Directors to appoint an Attorney-in-Fact as provided in Section 12-1 of the By-Laws of First Sealord Surety, Inc. This Certificate may be signed and sealed by facsimile under and by authority of the following provisions of the By-Laws of First Sealord Surety, Inc.:

"**Section 12-2.** The use of a printed facsimile of the corporate seal of the Corporation and of the signature of the Secretary or an Assistant Secretary on any certification of the correctness of a copy of an instrument executed by an authorized person pursuant to Article XII, Section 12-1 of the By-Laws appointing and authorizing an Attorney-in-Fact to sign in the name and on behalf of the Corporation surety bonds, underwriting undertakings, or other instruments described in said Section 12-1, with like effect as if such seal and such signature had been manually affixed and made."

In Witness Whereof, I have hereunto set my hand and affixed the corporate seal of the Corporation to these presents

this 18th day of June, 2009.

This power of attorney is void unless the Bond number is inserted in this paragraph (insert Bond # here 07-8447), the bond number is the same number as on the original bond, and the bond number has been inserted by an officer or employee of the Company or by the agent.

(seal) _____ Gary L. Bragg, Secretary

MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS
OFFICE OF THE COMMISSION AUDITOR

Legislative Notes

Agenda Item:	8(J)1(A)
File Number:	092663
Committee(s) of Reference:	Board of County Commissioners
Date of Analysis:	October 13, 2009
Type of Item:	Retroactive Change Order

Summary

This resolution approves a retroactive change order between Miami-Dade County and ESD Waste 2 Water, Inc.

This change order would do the following:

- Adjust the base about of the contract to reflect changes in the work performed on the contract due to unforeseen circumstances. The amount of this change is $32,425.
- Adjust the Allowance Account for Unforeseen Changes. The amount of this change results in a credit of $83,543.48.

This item represents a credit of $51,118.48 for this contract. This is the final change order for this contract. The project was completed in January 2009.

Background and Relevant Legislation

On Sept. 4, 2007, the Board of County Commissioners approved a contract to ESD Waste 2 Water for the installation of oil/water separators for the escalators and elevators at nineteen (19) Metromover Stations (File #072162). The notice-to-proceed was given to the contractor on April 7, 2008.

According to Administration, a change notice totaling $32,425.00 was required on the original contract due to required increases in the separator capacity and the installation of additional stainless steel protective enclosures at various stations. A second change notice is required to decrease the overall contract amount to reflect unexpended funds in the allowance account as a stipulated in the original contract. Of the total allowance account of $102,045.00, only $18,501.52 was used. Therefore the total contract amount will be reduced by $83,543.48.

The original contract had a DBE measure of 29% which had an estimated value of $325,523.55. Upon completion of the contract the DBE measure was 20% or $219,679. The original DBE goal was not met due to the change in scope of the project which was requested by the County.

Policy Change and Implication

This item is consistent with current Board of County Commissioners policy of approving retroactive change orders following the completion of all work on a contract.

Questions:

Are all the escalators at all Metromover stations in operation? If not, which escalators are currently out of service and why? When would the escalators be operational?

Prepared By:

Jason Smith