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

Memorandum

MIAMI-DADE COUNTY

Date: June 15, 2010

Agenda Item No. 14(A)(27)

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

From: George M. Burgess
County Manager

Resolution No R-695-10

Subject: Change Order No. #1, increasing the total contract amount by $783,583.07 for the Opa-locka Executive Airport Air Traffic Control Tower, Project (L-085A)

RECOMMENDATION

It is recommended that the Board approve the attached Change Order No. 1 to the contract with TGSV Enterprises Inc., which increases the total contract amount by $783,583.07, bringing it to a total $11,381,915.57, and extends the contract term by 128 days.

CHANGE ORDER NO.: 1

PROJECT NAME: Opa-locka Executive Airport Air Traffic Control Tower

PROJECT NO. L-085A

PROJECT DESCRIPTION: The project involves the construction of a new air traffic control tower, including a ground support building and parking, all enclosed by a chain-link fence.

PROJECT LOCATION: Opa-locka Executive Airport

PRIMARY DISTRICT: Commissioner Barbara J. Jordan's District 1

APPROVAL PATH: Board of County Commissioners

USING DEPARTMENT: Miami-Dade Aviation Department (MDAD)

MANAGING DEPARTMENT: Miami-Dade Aviation Department

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact on current or future County budgets from this item as the Aviation Department constitutes an enterprise fund of the County, where revenues and expenses are fully covered by the users to the Aviation Department's facilities.

CHANGE ORDER FUNDING SOURCE:

SOURCE	AMOUNT
FAA Grant	$ 6,550,000.00
FDOT Grant 50% of unfunded balance	$ 3,871,000.00
MDAD Airport Improvement Fund	$ 3,871,000.00
MDAD CIP/Improvement Fund CO #1	$ 783,583.07
Total	$14,292,000.00

PTP FUNDING: N/A

GOB FUNDING: N/A

ARRA FUNDING: N/A

TRACK RECORD/MONITOR: CIIS had five evaluations with an average rating of 3.6 out of 5, which is satisfactory. MDAD Project Manager William C Murphy is responsible for monitoring this project.

BACKGROUND: Nine bid packages were issued on June 11, 2008. On August 13, 2008, a public meeting was held on the 18th floor of the County Administrative Office Building with the project manager, Clerk of the Board and the bidders to open envelope A. MDAD Minority Affairs found four of the seven bidders were in compliance and three were not. On August 15, 2008, envelope B was opened and the bids were read for each of the seven bidders.

On August 19, 2008, the consultant Kimley-Horn Associates and the MDAD project manager met to review the technical qualifications of the low bidder and found them to be satisfactory. The low bidder, TGSV, was awarded the contract by the Board on January 22, 2009.

JUSTIFICATION: During the excavation for the air traffic control tower foundations, petroleum product was discovered and work was stopped until DERM could test and publish the results of the testing. TGSV was told to develop a decontamination procedure which was reviewed and accepted by DERM. The decontamination procedure was implemented by TGSV and completed to DERM's satisfaction. Some of the soils excavated also had contamination problems which had to be dealt with by TGSV. Due to the unforeseen contamination issue, MDAD now needs to reimburse the allowance account to cover any other unforeseen or anticipated items such as the shop design of the cab glass and exterior panels, plus its related delay claim, and the unknown FAA requirements such as radio equipment, and security equipment that MDAD may have to purchase.

COMPANY NAME: TGSV Enterprises Inc.

COMPANY PRINCIPAL(S): Jesus M. Gomez (President), Roy Rodriguez (Executive Vice President), Javier Hermida (Vice President), Richard Gomez (Vice President), Mary V. Tatum (Secretary)

COMPANY QUALIFIER(S): Roy Rodriguez & Javier Hermida

COMPANY EMAIL ADDRESS: javih@tgsv.com

COMPANY STREET ADDRESS: 1301 West 68th Street, Hialeah, FL 33014

GENDER, ETHNICITY & OWNERSHIP BREAKDOWN:	One female Caucasian, four male Hispanic
YEARS IN BUSINESS:	Fourteen years
PREVIOUS CONTRACTS WITH THE COUNTY WITHIN THE PAST FIVE (5) YEARS:	See attachment exhibit "A"
CONTRACT MEASURES:	DBE 16.1%, $1,725,665.00
DBE SUBCONTRACTORS:	Solares Electric Inc. 8.7%, Peoples Plumbing 1.8%, Comfort Tech A/C 5.6%
CONTRACT MEASURE ACHIEVED:	7.3%, $311,183.76 (50% of the work is done; however, the bulk of the DBE work occurs at the end of the project. Contract ends February 2011)
TERM OF CONTRACT:	540 days + 128 days = 668 days
ORIGINAL CONTRACT AMOUNT:	$10,598,332.50
RECOMMENDED MODIFICATIONS:	$553,183.07 cost + 128 days compensable $230,400.00 = total of $ 783,583.07 through this change order.
CLASSIFICATION OF CHANGE ORDER:	Unforeseen Conditions and County (DERM) requested changes
ADJUSTED CONTRACT AMOUNT:	$11,381,915.57
PERCENT CHANGE THIS MODIFICATION:	7.40%
IPSIG/INSPECTOR GENERAL:	$24,032.50
ADVERTISEMENT DATE:	May 28, 2008
CONTRACT AWARD DATE:	January 22, 2009
RESPONSIBLE WAGE:	Davis Bacon Wages

Assistant County Manager

MEMORANDUM

(Revised)

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

DATE: June 15, 2010

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

SUBJECT: Agenda Item No. 14(A)(27) Resolution No R-695-10

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. 14(A)(27)
6-15-10

RESOLUTION NO. R-695-10

RESOLUTION APPROVING CHANGE ORDER NO. 1 TO THE CONTRACT FOR THE CONSTRUCTION OF THE OPA-LOCKA AIR TRAFFIC CONTROL TOWER, PROJECT NO. L-085A, BETWEEN THE COUNTY AND TGSV ENTERPRISES INC., INCREASING THE CONTRACT BY AN AMOUNT NOT TO EXCEED $783,583.07; AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE CHANGE ORDER AND TO PERFORM ALL NECESSARY ACTIONS TO ENFORCE ITS TERMS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein,

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 the construction of the Opa-Locka Air Traffic Control Tower, Project No. L-085A, between the County and TGSV Enterprises Inc., increasing the contract by an amount not to exceed $783,583.07; authorizing the Mayor or Mayor's designee to execute the change order and to perform all necessary actions to enforce its terms.

The foregoing resolution was offered by Commissioner Dorrin D. Rolle, who moved its adoption. The motion was seconded by Commissioner Rebeca Sosa 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	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of June, 2010. 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.

Deborah Bovarnick Mastin

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MONTHLY DISADVANTAGED BUSINESS UTILIZATION REPORT
FOR CONSTRUCTION & A/E PROJECTS

1) Miami-Dade County Disadvantaged Business Utilization, DBE Goal 16.1 %

2) Reporting Period:
From: 02/01/10
To: 02/28/10

This report is required by Miami-Dade County (MDC). Failure to comply may result in MDC commencing proceedings to impose sanctions on this Contractor. In addition to pursuing any other available legal remedy. Sanctions may include the suspension of any payment or part thereof, termination or cancellation of the Contract, and the denial to participate in any future contracts awarded by MDC.

5) CONTRACTOR INFORMATION

3) Name of Contractor & Address	5a) Date of Pre-bid Confer.	5b) Date of Pre-Cost. Conf.	5c) Contract Amount	5d) Change Order Amount	5e) DBE % Goal Attained	5f) Date of NT Proceed	5g) Schedule Completion	5h) % Project Completed
TGSV Enterprises, Inc 1301 West 68 Street Hialeah, FL 33014	06/11/08	03/10/09	$10,598,332.50	$0.00	7.3%	04/20/09	10/12/10	45% $4,736,434.68

4) Name of Contract & No.		
OPF New Air Traffic Control Tower-#L-0854	Amount of Requisition this Period	$507,770.27
	Total Amount Requisitioned to Date	$4,262,791.21

7) DBE UTILIZATION

6) Name of Subcontractor (s)	7a) Subcontractor Amount	7b) Description of Work	7c) Amount Drawn	7d) Amount Paid to Date	7e) Actual Starting (Proposed) Date	7f) Scheduled Completion Date	7g) Comments
Comfort Tech A/C	$589,000.00	HVAC	$ 0.00	$ 36466.26	TBD	10/12/10	
Peoples Plumbing	$188,665.00	Plumbing	$ 0.00	$ 26057.11	11/4/09	10/12/10	
Solares Electrical	$948,000.00	Electrical	$34450.40	$267981.52	04/30/09	10/12/10	
	$1,725,665.00	Total	$ 34450.40	$ 330504.89			

8) Company Official's Signature and Title

Vice-President

Please Print or Type Name

Javier Hermida

9) Date 03/03/10

10) Telephone (305) 823-5755

ISABEL CAMEJO-SMITH
MY COMMISSION # DD 563611
EXPIRES: June 14, 2010
Bonded Thru Notary Public Underwriters

11) Sworn before me: This 3 day of March 2010

Notary Public Isabel Camejo-Smith

Please note: this form has to be automated (on a spread sheet)

FORM DBE-MA-4 Revised 1/12/2005

TGSV

ENTERPRISES, INC.

General Contractor / Construction Manager

Exhibit "A"

LIST OF PROJECTS

Contracts in effect with Miami Dade County during the last five (5) years:

PROJECT:	**MCC-6-2002**
DESCRIPTION:	Manage and build miscellaneous project for Miami Dade Aviation Department
CONTRACT AMOUNT:	$ 35,175,000.00
FINAL AMOUNT:	On going
PERCENT DIFF:	On going
START DATE:	March, 2003
LITIGATION:	None

PROJECT:	**M.I.A. Building 715, US Postal Service Repairs**
DESCRIPTION:	Roof replacement, stucco repairs, waterproofing, and repainting of a US Post Office while maintaining Post Office Operational.
CONTRACT AMOUNT:	$2,438,438.60
FINAL AMOUNT:	$2,438,438.60
PERCENT DIFF:	0%
START DATE:	July 27, 2005
LITIGATION:	None

PROJECT:	**M.I.A. CONCOURSE "H" GLAZING REPLACEMENT**
DESCRIPTION:	Re-glaze existing curtain wall in order to achieve a fire resistively rating.
CONTRACT AMOUNT:	$4,353,750.36
FINAL AMOUNT:	$4,343,108.82
PERCENT DIFF:	.2% Under Budget
START DATE:	August 2002
LITIGATION:	None

PROJECT:	**TURNER, GUILFORD, KNIGHT-NEGATIVE AIR NEW HVAC**
DESCRIPTION:	TGSV will be renovating the existing hospital ward in a Correctional Facility. The renovations include the upgrading of the HVAC system and the adding of a new electric and generator room.
CONTRACT AMOUNT:	$2,493,446.00
FINAL AMOUNT:	$2,770,042.00
PERCENT DIFF:	11% Over Budget
START DATE:	March 2002
LITIGATION:	None

West 68th Street, Hialeah, Florida 33014-4570 • Telephone: (305) 820-5755 • Facsimile: (305) [illegible]

PROJECT:	**DADE COUNTY COURTHOUSE**
DESCRIPTION:	Miscellaneous modifications through existing Courthouse building in order to remove ADA barriers while maintaining building's historical and high end finishes.
CONTRACT AMOUNT:	$3,776,300.00
FINAL AMOUNT:	$3,735,856.00
PERCENT DIFF:	1% Under Budget
START DATE:	August 2002
LITIGATION:	None

PROJECT:	**JACKSON MEMORIAL HOSPITAL CHEST PAINT RENOVATION**
DESCRIPTION:	This project requires the renovation of existing Emergency Room area into New Patient Holding areas, along with nuclear medicine Rooms and Stress Test Rooms.
CONTRACT AMOUNT:	$632,860.00
FINAL AMOUNT:	$441,000.00
PERCENT DIFF:	30% Under Budget
START DATE:	May 2002
LITIGATION:	None

MIAMI - DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO 1 **PROJECT NO.** L085A **DATE:** 03/16/2010

PROJECT NAME: OPF NEW AIR TRAFFIC CONTROL TOWER (ATCT)

TO CONTRACTOR: TGSV ENTERPRISES, 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	During the excavation for the air traffic control tower petroleum Product was discovered and work was stopped until DERM could test and publish the results of the testing. TGSV was requested to develop decontamination procedure-approved by DERM. JUSTIFICATION: UNFORESEEN OR UNFORESEEABLE CHANGE This Change Order modifies the Contract by increasing the contract amount to reimburse the contractor for the direct costs of the changed work in the amount of $553,183.07.	$553,183.07
2	Contract Time adds 128 excusable [compensable] days to the Contract of 128 days @ $1,800.00 per day	$230,400.00

Release:

In consideration of and conditional upon payment to Contractor by Miami- Dade County (hereinafter "County"), of the Change Order amount and time, the Contractor releases County, its officers, employees and agents from, and waives and relinquishes, any and all claims, disputes or causes of action it has or may have against the County, its officers, employees and agents for all events occurring prior to February 8, 2010, arising out of or in connection with the Contract. The Contractor accepts the Change Order as full accord and satisfaction of all time and monies due it under or in connection with the Change Order except as specifically identified in Exhibit "M" to this Change Order.

SUMMARY OF CONTRACT AMOUNT

ORIGINAL CONTRACT AMOUNT ..... **$ 10,598,332.50**

REASON FOR CHANGE:

- [ ] Regulatory Change
- [ ] Other Agency Requested Change
- [ ] Design Errors Change
- [ ] Design Omission Change
- [ ] County Requested Change
- [ ] Unforeseen or Unforeseeable Change

COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERE

ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER. $ 10,598,332.50

COST OF CONSTRUCTION CHANGES THIS ORDER..... $ 783,583.07*

ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER $ 11,381,915.57

PERCENT INCREASE, THIS CHANGE ORDER..... 7.40%*

TOTAL PERCENT INCREASE TO DATE 0.00%

EXTENSION OF TIME ALLOWED BY THIS CHANGE 128 * CALENDAR DAYS TO 02/17/2011

***See Exhibit "M"**

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.*

SIGNATURE CONSULTING ARCHITECT OR ENGINEER

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER

FINANCE — DEPARTMENT

GA401, AV3301, 942100 — FUNDS BUDGETED CODE

CERTIFIED BY

ACCEPTED BY: CONTRACTOR

Hartford Casualty Insurance Company

SURETY

Maria Aceves, Attorney-in-Fact

RECOMMENDED: PROJECT MANAGER CHIEF ARCHITECT/CHIEF ENGINEER

APPROVED: (CONSULTING ENGINEER). DEPT. BUSINESS DEVELOPMENT

RECOMMENDED: DEPARTMENTAL DIRECTOR

RECOMMENDED: BUDGET DIRECTOR

MIAMI-DADE COUNTY, Florida
By its BOARD OF COUNTY COMMISSIONERS

By: MAYOR DATE

ATTEST:

By: Deputy Clerk

cc: A/E Consultant(s), Contractor, M-D Capital Improvements Coordinator, GSA Risk Management, Consulting Engineer (HNTB), Surety, MDAD CIP Contracts, MDAD Contracts Administration (Bldg 5A), MDAD Finance, MDAD Project Manager, MDAD Safety Insurance, MDAD Project Controls, MDAD Properties, Document Control

Allowance Account Work Order

WORK ORDER NUMBER: 1-0006

DERM de-watering contamination

PROJECT : L085A **CONTRACT. :** PMISL085A

PROJECT NAME : OPF Construct New Air Traffic Control Tower

PROJECT MGR : Murphy, William C. (Aviation)

CONTRACTOR : T.G.S.V Enterprises Inc.

The contractor is herby authorized to make the following changes to the current contract, and perform the work subject to all contract stipulations and covenants.

DESCRIPTION OF WORK:

The work shall consist of the following:

1) Contaminated water was discovered during the de-watering process and work was stopped by DERM until options could be explored. The Contractor will proceed with the design of a system to remove contaminates as per TGSV W.O. request # 11.6A (attached).

2) The Contractor shall drive sheet pile surrounding the excavated pile cap. The Contractor will then over dig the pile cap excavation and pour a tremie slab. The work will require the use of divers.

3) The water within the contained area will have to be treated to remove contaminates. If the tests of the water are satisfactory to DERM we can proceed with the contract work.

4) In the event the tests are not satisfactory to DERM an additional Work Order will be generated with new scope

5) Remove the sheet piling and contaminates removing equipment from the site. See attachments

Settlement Comments
It is important to get this project re-started as soon as possible to reduce the delay claim so we have PACO Group working on the effects of the time delay with the Contractor. We will generate another work order just dealing with the authorized days of delay. Contractors signature on the W.O. shall not be a waiver of rights for time extension and compensation for delay.

REASON : Unforeseen Conditions

JUSTIFICATION: During the excavation of the pile cap petroleum contaminates were found DERM ordered MDAD to remove the contaminates from the site. See attachments.

ALLOWANCE ACCOUNT :	**ALW 1**
ORIGINAL ALLOWANCE ACCT AMOUNT :	$961,300.00
WORK ORDERS TO DATE :	$15,207.00
PREVIOUS BALANCE :	$946,093.00
AMOUNT OF THIS WORK ORDER :	**$456,948.00**
BALANCE IN ALLOWANCE ACCOUNT :	$489,145.00
PENDING WORK ORDERS :	$472,155.00

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

By: _____ 9/1/09
ACCEPTED: GENERAL CONTRACTOR DATE
PRINT NAME: JUAN HERNANDEZ VP

By: R Bruce 9/1/09
APPROVED: MDAD MINORITY AFFAIRS DATE
PRINT NAME: Milton Collins

By: N/A
APPROVED: CONSULTING ENGINEER DATE
PRINT NAME:

By: KIMLEY-HORN AND ASSOCIATES, INC. 9/1/09
APPROVED: PROJECT CONSULTANT DATE
PRINT NAME: THOMAS F O'DONNELL

By: William C Murphy 09/31/09
RECOMMENDED: MDAD PROJECT MANAGER DATE
PRINT NAME: WILLIAM C MURPHY

By: _____ 9/3/09
ACCEPTED: MDAD AUTHORIZED MANAGE DATE
PRINT NAME:

MAILING ADDRESS P.O. Box 025504, MIAMI, FLORIDA 33120 4200 N.W. 36th STREET, SUITE 400, MIAMI, FLORIDA 33122

Allowance Account Work Order

WORK ORDER NUMBER: 1-0008

Removal of contaminated soils

PROJECT : L085A **CONTRACT. :** PMISL085A

PROJECT NAME : OPF Construct New Air Traffic Control Tower

PROJECT MGR : Murphy, William C. (Aviation)

CONTRACTOR : T.G.S.V Enterprises Inc.

The contractor is herby authorized to make the following changes to the current contract, and perform the work subject to all contract stipulations and covenants.

DESCRIPTION OF WORK:

The contaminated soil will be disposed of in accordance with DERM requirements. Some material will be disposed of off site and some will be used as fill at OPF.

Settelment Comments:
It is important to get this project re-started as soon as possible to reduce the delay claim so we have PACO Group working with the effects of the time delay with the Contractor. We will generate another work order just dealing with the authorized days of delay. Contractor's signature on the W.O. shall not be a waiver of rights for the time extension and compensation for delay.

REASON : Unforeseen Conditions

JUSTIFICATION: During excavation the soil was found to be contaminated by DERM and directions for disposal were issued by DERM. This work order deals with thoes soils.

ALLOWANCE ACCOUNT :	**ALW 1**
ORIGINAL ALLOWANCE ACCT AMOUNT :	$961,300.00
WORK ORDERS TO DATE :	$486,588.00
PREVIOUS BALANCE :	$474,712.00
AMOUNT OF THIS WORK ORDER :	**$73,681.07**
BALANCE IN ALLOWANCE ACCOUNT :	$401,030.93
PENDING WORK ORDERS :	$560,269.07

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

By: _____ 09/04/09
ACCEPTED: GENERAL CONTRACTOR DATE
PRINT NAME: Roy Rodriguez

By: _____ 10/7/09
APPROVED: MDAD MINORITY AFFAIRS DATE
PRINT NAME: Milton Collins

By: _____ 10/6/09
APPROVED: CONSULTING ENGINEER DATE
PRINT NAME: THOMAS F. O'DONNELL
KIMLEY-HORN AND ASSOCIATES, INC

By: _____
APPROVED: PROJECT CONSULTANT DATE
PRINT NAME:

By: _____ 09/04/09
RECOMMENDED: MDAD PROJECT MANAGER DATE
PRINT NAME: WILLIAM C MURPHY

By: _____ 10/8/09
ACCEPTED: MDAD AUTHORIZED MANAGE DATE
PRINT NAME:

MAILING ADDRESS P.O. Box 025504, MIAMI, FLORIDA 33120 4200 N.W. 36th STREET, SUITE 400, MIAMI, FLORIDA 33122

Allowance Account Work Order

WORK ORDER NUMBER: 1-0009

DERM contaminated soil handeling requirements

PROJECT : L085A **CONTRACT. :** PMISL085A

PROJECT NAME : OPF Construct New Air Traffic Control Tower

PROJECT MGR : Murphy, William C. (Aviation)

CONTRACTOR : T.G.S.V Enterprises Inc.

The contractor is herby authorized to make the following changes to the current contract, and perform the work subject to all contract stipulations and covenants.

DESCRIPTION OF WORK:

DERM has requested additional siol work to stockpile and cover soils encountered which may be potentially contaminated. Kimley Horn has evaluated the Contractor's request for Work Order #7.2 for $6,553.00 and recommends payment. Please see attached.

REASON : Unforeseen Conditions

JUSTIFICATION: DERM has required the work to be performed and MDAD must comply by law.

ALLOWANCE ACCOUNT :	**ALW 1**
ORIGINAL ALLOWANCE ACCT AMOUNT :	$961,300.00
WORK ORDERS TO DATE :	$560,269.07
PREVIOUS BALANCE :	$401,030.93
AMOUNT OF THIS WORK ORDER :	**$6,553.00**
BALANCE IN ALLOWANCE ACCOUNT :	$394,477.93
PENDING WORK ORDERS :	$566,822.07

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

By: _____ 10/16/09
ACCEPTED: GENERAL CONTRACTOR DATE
PRINT NAME: JAVIER [illegible], VP

By: _____ 11/2/09
APPROVED: MDAD MINORITY AFFAIRS DATE
PRINT NAME:

By: N/A
APPROVED: CONSULTING ENGINEER DATE
PRINT NAME:

By: KIMLEY-HORN AND ASSOCIATES, INC. 10/20/09
APPROVED: PROJECT CONSULTANT DATE
PRINT NAME: THOMAS F. O'DONNELL

By: _____ 11/02/09
RECOMMENDED: MDAD PROJECT MANAGER DATE
PRINT NAME: WILLIAM C MURPHY

TDB.
By: _____ 11-2-09
ACCEPTED: MDAD AUTHORIZED MANAGE DATE
PRINT NAME: TYRONE D. BROWNE

Allowance Account Work Order

MIAMI INTERNATIONAL AIRPORT

MIAMI-DADE COUNTY

WORK ORDER NUMBER: 1-0016

Additional de-watering DERM fees

PROJECT : L085A **CONTRACT. :** PMISL085A

PROJECT NAME : OPF Construct New Air Traffic Control Tower

PROJECT MGR : Murphy, William C. (Aviation)

CONTRACTOR : T.G.S.V Enterprises Inc.

The contractor is herby authorized to make the following changes to the current contract, and perform the work subject to all contract stipulations and covenants.

DESCRIPTION OF WORK:

DERM required additional de-watering fees which is a reimbursable expense.

REASON : County Requested Changes

JUSTIFICATION:

DERM required additional de-watering fees which is a reimbursable expense.

ALLOWANCE ACCOUNT :	**ALW 1**
ORIGINAL ALLOWANCE ACCT AMOUNT :	$961,300.00
WORK ORDERS TO DATE :	$561,071.07
PREVIOUS BALANCE :	$400,228.93
AMOUNT OF THIS WORK ORDER :	**$1,143.00**
BALANCE IN ALLOWANCE ACCOUNT :	$399,085.93
PENDING WORK ORDERS :	$9,276.00

SETTLEMENT COMMENTS:

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

By: [signature] 11/24/09
ACCEPTED: GENERAL CONTRACTOR **DATE**
PRINT NAME: JAVIER HERMIDA, VP

By: [signature] 11/30/09
APPROVED: MDAD MINORITY AFFAIRS **DATE**
PRINT NAME:

By: N/A
APPROVED: CONSULTING ENGINEER **DATE**
PRINT NAME:

KIMLEY-HORN AND ASSOCIATES, INC.
By: [signature] 11/24/09
APPROVED: PROJECT CONSULTANT **DATE**
PRINT NAME: THOMAS F. O'DONNELL

By: William C Murphy 11/24/09
RECOMMENDED: MDAD PROJECT MANAGER **DATE**
PRINT NAME: WILLIAM C MURPHY

By: [signature] 11/30/09
ACCEPTED: MDAD AUTHORIZED MANAGE **DATE**
PRINT NAME:

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MIAMI-DADE AVIATION DEPARTMENT

Printed: 1/19/2010 10:49:17 AM

Allowance Account Work Order

WORK ORDER NUMBER: 1-0018

Contaminated pile #6

MIAMI INTERNATIONAL AIRPORT — MIAMI-DADE COUNTY

PROJECT : L085A **CONTRACT. :** PMISL085A

PROJECT NAME : OPF Construct New Air Traffic Control Tower

PROJECT MGR : Murphy, William C. (Aviation)

CONTRACTOR : T.G.S.V Enterprises Inc.

The contractor is herby authorized to make the following changes to the current contract, and perform the work subject to all contract stipulations and covenants.

DESCRIPTION OF WORK:

TGSV #25.0
Excavation of the foundation created a soil pile #6 and this pile was determined by DERM to be contaminated with an unacceptable amount of mercury. We were required by DERM to dispose of this contaminated soil in accordance with DERM protocol. The final amount of this work order will be based upon certified shipping tickets from the waste management facility.

REASON : Unforeseen Conditions

JUSTIFICATION:

The work on soil pile #6 was required by DERM. Please see attached files.

ALLOWANCE ACCOUNT :	**ALW 1**
ORIGINAL ALLOWANCE ACCT AMOUNT :	$961,300.00
WORK ORDERS TO DATE :	$563,402.07
PREVIOUS BALANCE :	$397,897.93
AMOUNT OF THIS WORK ORDER :	**$14,858.00**
BALANCE IN ALLOWANCE ACCOUNT :	$383,039.93
PENDING WORK ORDERS :	$14,858.00

SETTLEMENT COMMENTS:

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

By: _____ 1-20-10
ACCEPTED: GENERAL CONTRACTOR DATE
PRINT NAME: TIGER HARMON, VP

By: _____ 1/26/10
APPROVED: MDAD MINORITY AFFAIRS DATE
PRINT NAME:

By: N/A
APPROVED: CONSULTING ENGINEER DATE
PRINT NAME:

By: _____ 1/26/10
APPROVED: PROJECT CONSULTANT DATE
PRINT NAME: THOMAS F. O'DONNELL
HIGLEY-HOW AND ASSOCIATES, INC.

By: _____ 01/26/10
RECOMMENDED: MDAD PROJECT MANAGER DATE
PRINT NAME: WILLIAM C MURPHY

By: _____ 1/27/10
ACCEPTED: MDAD AUTHORIZED MANAGE DATE
PRINT NAME:

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POWER OF ATTORNEY

Direct Inquiries/Claims to:
THE HARTFORD
BOND, T-4
P.O. BOX 2103, 690 ASYLUM AVENUE
HARTFORD, CONNECTICUT 06115
call: **888-266-3488** *or fax:* **860-757-5835**

KNOW ALL PERSONS BY THESE PRESENTS THAT: **Agency Code: 21-229752**

- [X] **Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- [X] **Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- [X] **Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut
- [ ] **Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- [ ] **Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- [ ] **Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois
- [ ] **Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana
- [ ] **Hartford Insurance Company of the Southeast,** a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, ***up to the amount of unlimited:***

Charles J. Nielson, Mary C. Aceves, Warren Alter, Charles D. Nielson, Joseph Penichet Nielson, David R. Hoover
of
Miami, FL

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments 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.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on January 22, 2004 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.

Paul A. Bergenholtz, Assistant Secretary

M. Ross Fisher, Assistant Vice President

STATE OF CONNECTICUT
COUNTY OF HARTFORD } ss. Hartford

On this 1st day of February, 2004, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.

Scott E. Paseka
Notary Public
My Commission Expires October 31, 2012

CERTIFICATE

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of February 16th, 2010.

Signed and sealed at the City of Hartford.

Gary W. Stumper, Assistant Vice President

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03/26/10

EXHIBIT "M"

included Change Order # 1 for the Opa-Locka Executive Airport OPF New Air Traffic Control

RWO's to date

RWO #	DATE	DESCRIPTION	AMOUNT	ASSOCIATED TIME IN CALENDAR DAYS	COMMENTS / NOTES
13.3	01/28/10	Additional cost to be incurred due to dewatering stoppage of work. Revised to include actual impact of idle time for equipment since it was agreed to remove equipment from site on 7/15/09 and to include MWI invoice.	$5,909.00	0	
21.0	09/21/09	Additional work to provide coverage over area which was not included in work order modification #8.0 where limited use soil is being relocated to (Option "A" is Bahia sod, Option "B" Bahia seeding, Option "C" Bahia hydro seeding). Qualifications: 1) All options require periodic watering which is not included in this RCO since it is TGSV's understanding that Owner will provide., 2) Option "B" only includes one (1) seeding application, but additional applications may be required. A separate RWO will be issued for any additional applications which may be required., 3) Owner to provide required personnel to be able to perform this work on airside since TGSV nor subcontractor have required badges/access.	OPTION "A" $18,605.00 OPTION "B" $5,168.00 OPTION "C" $7,235.00	0	Owner to provide direction and fully executed work order no later than 11/20/10 in order to have a 0 calendar day impact. Failure to meet this date may result in required time extension and compensation for additional delays. TGSV hereby reserves their rights to time extension and compensation should this date not be met
23.0	10/08/09	Additional work being performed on a unit price to handle contaminated soil which was not included in previously issued RWO#19.0. Qualifications: 1) Truck route to be per TGSV email dated 8/27/09 (See attached)., 2) Refer to TGSV email dated 8/25/09 and KHA email dated 8/18/09 and 8/10/09 for clarifications to scope and procedure, 3) No temporary dust/dirt control measures 5) No silt fence included, 6) Fill to be imported to replace fill leaving site shall be crushed lime rock, 7) No. 57 rock or ballast rock is excluded, 8) No replacement of visqueen at dewatering retention hole is included, 9) Owner escort must be provided in order to assure constant flow in order to avoid added costs	$35,464.00	0	This RWO is for contaminated soil found to date. TGSV reserves it rights for additional costs and time extensions if additional contaminated soil is encountered

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EXHIBIT "M"

included Change Order # 1 for the Opa-Locka Executive Airport OPF New Air Traffic Control RWO's to date

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RWO #	DATE	DESCRIPTION	AMOUNT	ASSOCIATED TIME IN CALENDAR DAYS	COMMENTS / NOTES
24.2 A & 24.2 B modified to indicate revised approval / direction dates as stated in comment column)		Additional work associated with cab glass modifications (TGSV RFI#17 and #17A) and revised sheets A-1.06, A-5.02, S-305, S-502 dated 2/11/10. Qualifications: 1) Glass pricing is based on attached Pena-Alum quote dated 2/26/10, engineering qualifications and approval of building official. 2) No testing of any product is included	$469,100.00	60	This pricing is based on the information and directives as described in TGSV's RWO 24.2A. Should design change from that described in TGSV RWO 24.2A, TGSV shall be allowed to revise claimed amount accordingly. Also note that current redesign of cab glass may require modifications due to energy efficiency calculations, but TGSV has yet to receive any directive on what changes may be required; therefore any changes required due to energy efficiency calculations are excluded from RWO. Should changes be required TGSV hereby reserves its rights to cost for required changes and associated time extensions and compensation as may be required. Also note in order to limit the 60 calendar time extension, TGSV must be provided approved shop drawings for cab glass system no later than 4/6/10, cab glass permit must be approved no later than 4/12/10 and a fully executed work order for cab glass and all associated changes must be provided no later than 4/15/10. Failure to meet these dates will result in additionally required time extensions and compensation for additional delays. TGSV hereby reserves their rights to time extension and compensation should these dates not be met
28.1	01/14/10	Additional work per A/E's response to RFI#102. Revised to include settlement offer made by TGSV and agreed too at 1/12/10 Owner meeting.	$4,424.00	0	

03/26/10

EXHIBIT "M"

included Change Order # 1 for the Opa-Locka Executive Airport OPF New Air Traffic Control

RWO's to date

RWO #	DATE	DESCRIPTION	AMOUNT	ASSOCIATED TIME IN CALENDAR DAYS	COMMENTS / NOTES
29.0	11/19/09	Additional work to supply and install an additional column at base building per A/E's response to RFI#191.	$2,219.00		Owner to provide direction and fully executed work order no later than 5/15/10 in order to have a 0 calendar day impact. Failure to meet this date may result in required time extension and compensation for additional delays. TGSV hereby reserves their rights to time extension and compensation should this date not be met
31.0	12/01/09	Additional cost associated with TGSV's concrete subcontractor remobilization and repairs at grade beams due to delays encountered.	$3,173.00	0	
32.0	12/02/09	Additional work to provide dual utility fire pump controller/transfer switch per A/E's response to RFI#206.	$13,923.00	0	Owner to provide direction and fully executed work order no later than 4/15/10 in order to have a 0 calendar day impact. Failure to meet this date may result in required time extension and compensation for additional delays. TGSV hereby reserves their rights to time extension and compensation should this date not be met
36.0	01/07/10	Cost breakdown associated with A/E's response to TGSV RFI#127, #127A, and #127B and associated revised Sheet #'s A-105 (Revision 1 dated 6/11/09), S-404 (Revision 5 dated 10/12/09), M-105 (Revision 1 dated 8/11/09), E-105 (Revision 1 dated 6/11/09), E-305 (Revision 1 dated 6/11/09), E-405 (Revision 1 dated 6/11/09), S-411a dated 10/12/09, S-413a dated 10/12/09, S-414a dated 10/12/09, and S-421a dated 10/12/09.	($448.00)	0	

03/26/10

EXHIBIT "M"

included Change Order # 1 for the Opa-Locka Executive Airport OPF New Air Traffic Control

RWO's to date

RWO #	DATE	DESCRIPTION	AMOUNT	ASSOCIATED TIME IN CALENDAR DAYS	COMMENTS / NOTES
37.0	01/07/10	Additional work per A/E's response to RFI#179, #179A, and associated Sheet #E-104 (Revision 1 dated 9/24/09), E-105 (Revision 2 dated 9/27/09), E-201 (Revision 1 dated 9/24/09), E-202 (Revision 1 dated 9/24/09), and E-205 (Revision 1 dated 9/24/09). Qualifications: 1) We have inputted the revised durations for required activities per attached time impact analysis into the updated schedule with a data date of 12/30/09 which was previously provided to all via TGSV's rough draft December request for payment. Since revised durations do not extend projects critical path no additional time will be required for this added work but modifications to the durations on the baseline schedule will be made upon approval of this RWO to account for added work.	$7,769.00	0	Owner to provide direction and fully executed work order no later than 5/28/10 in order to have a 0 calendar day impact. Failure to meet this date may result in required time extension and compensation for additional delays. TGSV hereby reserves their rights to time extension and compensation should this date not be met
38.1	03/01/10	Additional work to provide and install door closers for two (2) fire rated doors (T11 and T1248). It is TGSV's recommendation to proceed with Option "A" (LCN closers) due to the strength in air pressure throughout the tower. Revised due to revised Sheet A-105 (Rev. 2 dated 1/27/10. Qualifications: 1) Although Option "B" is cheaper, TGSV recommends Option "A" since the use of a closer is what was specified in other similar applications on this project.	OPTION "A" $700.00 OPTION "B" $243.00	0	Owner to provide direction and fully executed work order no later than 11/20/10 in order to have a 0 calendar day impact. Failure to meet this date may result in required time extension and compensation for additional delays. TGSV hereby reserves their rights to time extension and compensation should this date not be met
39.0	01/21/10	Additional work to install "primary" conduit for electrical feed as requested at Owner meeting and per FPL sketches and KHA 1/6/10 email. Qualifications: 1) FPL to provide conduit at no cost to TGSV/Solares., 2) FPL to provide, install, and terminate all cable and equipment, 3) This RWO does not include any assumptions/costs associated with contaminated soil. If contaminated soil is encountered, a separate RWO shall follow.	$37,395.00	0	Owner to provide direction and fully executed work order no later than 5/28/10 in order to have a 0 calendar day impact. Failure to meet this date may result in required time extension and compensation for additional delays. TGSV hereby reserves their rights to time extension and compensation should this date not be met

03/26/10

EXHIBIT "M"

included Change Order # 1 for the Opa-Locka Executive Airport OPF New Air Traffic Control

RWO's to date

RWO #	DATE	DESCRIPTION	AMOUNT	ASSOCIATED TIME IN CALENDAR DAYS	COMMENTS / NOTES
40.2	01/28/10	Additional work to perform precast grout testing per Leo A. Daly's 1/27/10 email and NMB's email dated 1/28/10 (See qualifications below for description of each option). Revised to include work per A/E's response to RFI#230, KHA email dated 1/29/10, emails dated 2/4/10, and pricing from Allstate Engineering. Revised to include actual invoice from Universal Engineering. Qualifications: 1) This RWO excludes any testing at any levels which are complete prior to b) 1st full day of splice sleeve grouting two (2) test will occur subsequent to this, One (1) test per day will occur, c) One (1) pancake test to be done onsite with every test set, 3) No testing of joint grout or grout for horizontal pour strips is required.	$10,281.00	0	TGSV was directed to proceed with this additional work per Article 8.1.09 of the project's general conditions. All agreed it was in the best interest of the project to proceed with work in order not to further impact the project's schedule; therefore additional work is currently ongoing and there is no associated time extensions
43.0	03/08/10	Additional work per response to RFI#'s 98 and 98A to change door 102A from wood door with hollow metal frame to an aluminum door and frame. Also to make doors 101 and 102B custom door width in lieu of standard.	$2,521.00	0	Owner to provide direction and fully executed work order no later than 4/12/10 in order to have a 0 calendar day impact and avoid separate shipping costs. Failure to meet this date may result in required time extension and compensation for additional delays. TGSV hereby reserves their rights to time extension and compensation should this date not be met

'lease note this Exhibit "B" has been modified from that Exhibit 'A' which is attached to the release of each monthly requisition in order to list all potential claims associated 'ith issue prior 2/8/10 only, as required by the "release language" of Change order # 1

EXHIBIT "M"

Exceptions / Exclusions to Release Language included Change Order # 1 for the Opa-Locka Executive Airport OPF New Air Traffic Control Tower Project

RWO #	DATE	DESCRIPTION	AMOUNT	ADDITIONAL ASSOCIATED TIME IN CALENDAR DAYS	COMMENTS / NOTES
13.3	01/28/10	Additional cost to be incurred due to dewatering stoppage of work. Revised to include actual impact of idle time for equipment since it was agreed to remove equipment from site on 7/15/09 and to include MWI invoice.	$5,909.00	0	
21.0	09/21/09	Additional work to provide coverage over area which was not included in work order modification #8.0 where limited use soil is being relocated to (Option "A" is Bahia sod, Option "B" Bahia seeding, Option "C" Bahia hydro seeding). Qualifications: 1) All options require periodic watering which is not included in this RCO since it is TGSV's understanding that Owner will provide., 2) Option "B" only includes one (1) seeding application, but additional applications may be required. A separate RWO will be issued for any additional applications which may be required., 3) Owner to provide required personnel to be able to perform this work on airside since TGSV nor subcontractor have required badges/access.	OPTION "A" $18,605.00 OPTION "B" $5,168.00 OPTION "C" $7,235.00	0	Owner to provide direction and fully executed work order no later than 11/20/10 in order to have a 0 calendar day impact. Failure to meet this date may result in required time extension and compensation for additional delays. TGSV hereby reserves their rights to time extension and compensation should this date not be met

EXHIBIT "M"

Exceptions / Exclusions to Release Language included Change Order # 1 for the Opa-Locka Executive Airport OPF New Air Traffic Control Tower Project

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RWO #	DATE	DESCRIPTION	AMOUNT	ADDITIONAL ASSOCIATED TIME IN CALENDAR DAYS	COMMENTS / NOTES
23.0	10/08/09	Additional work being performed on a unit price to handle contaminated soil which was not included in previously issued RWO#19.0. Qualifications: 1) Truck route to be per TGSV email dated 8/27/09 (See attached)., 2) Refer to TGSV email dated 8/25/09 and KHA email dated 8/18/09 and 8/10/09 for clarifications to scope and procedure, 3) No temporary dust/dirt control measures 5) No silt fence included, 6) Fill to be imported to replace fill leaving site shall be crushed lime rock, 7) No. 57 rock or ballast rock is excluded, 8) No replacement of visqueen at dewatering retention hole is included, 9) Owner escort must be provided in order to assure constant flow in order to avoid added costs	$35,464.00	0	This RWO is for contaminated soil found to date. TGSV reserves it rights for additional costs and time extensions if additional contaminated soil is encountered
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Please note this Exhibit "B" has been modified from that Exhibit 'A' which is attached to the release of each monthly requisition in order to list all potential claims associated with issue prior 2/8/10 only, as required by the "release language" of Change order # 1