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

Memorandum

MIAMI-DADE COUNTY

Date: September 10, 2010

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

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

From: George M. Burgess
County Manager

Resolution No. R-864-10

Subject: Resolution Ratifying the County Mayor and Aviation Director's actions relating to North Terminal Development projects pursuant to Ordinance No. 08-87

RECOMMENDATION

It is recommended that the Board adopt the attached resolution ratifying the actions of the County Mayor and Aviation Director taken during the period of March 1, 2010 thru July 31, 2010 as identified in the attached Exhibit "A", pursuant to the delegated authority provided by the Board in Ordinance No. 08-87, relating to the North Terminal Development Program (NTD) at Miami International Airport (MIA).

SCOPE

The North Terminal Development Program is located within Commission District Six, Rebeca Sosa; however, the impact of this Program is countywide in nature as MIA is a regional asset.

FISCAL IMPACT

The contract modifications approved by the Mayor during this reporting period and listed on the attached Exhibit "A" are all within the overall Board approved North Terminal Development budget.

TRACK RECORD/MONITOR

The contracts listed on Exhibit "A" are part of the North Terminal Development Program. There are no known current performance issues with these contractors and their performance on the listed projects is satisfactory. The North Terminal Development Program monitor is Juan Carlos Arteaga, 305-869-5694, jcarteaga@miami-airport.com

BACKGROUND

On July 1, 2008, the Board approved Ordinance No. 08-87 which authorized the County Mayor and the Aviation Director to execute change orders, extend contract time, waive liquidated damages, and modify contract terms for contracts relating to the North Terminal Development Program at Miami International Airport without the need for prior Commission approval but subject to established safeguards and Board oversight through ratification.

During this reporting period, the Aviation Department (MDAD) processed five (5) qualifying NTD program contract modifications as listed in Exhibit "A". The expedite process has resulting in significant efficiencies in the implementation of those projects.

Assistant County Manager

MEMORANDUM
(Revised)

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

DATE: September 10, 2010

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

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

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(A)(1)(D)
9-10-10

RESOLUTION NO. R-864-10

RESOLUTION RELATED TO NORTH TERMINAL DEVELOPMENT CONTRACTS AT MIAMI INTERNATIONAL AIRPORT; RATIFYING ACTIONS TAKEN PURSUANT TO ORDINANCE NO. 08-87 DURING THE PERIOD OF MARCH 1, 2010 THROUGH JULY 31, 2010

WHEREAS, on July 1, 2008, the Board adopted Ordinance 08-87 which delegated authority to the County Mayor or his designee, and to the Aviation Director to execute change orders, extend contract time, waive liquidated damages, and modify contract terms relating to North Terminal Development Project (NTD) at Miami International Airport; and

WHEREAS, Ordinance 08-87 requires that any action taken pursuant to that Ordinance be presented to the Board of County Commissioners for ratification; and

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 ratifies the County Mayor and the Airport Director's actions in executing change orders, extending contract time, waiving liquidated damages, and modifying contract terms relating to North Terminal Development Project (NTD) during the period of March 1, 2010 through July 31, 2010, as more particularly described in the memorandum attached hereto.

The foregoing resolution was offered by Commissioner **Dorrin D. Rolle** , who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** 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	**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 10th day of September, 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. DM

David M. Murray

North Terminal Development Program
Ordinance No. 08-87
Project Ratification List
3/1/1010 - 7/31/2010

Exhibit A

Contract Number	Project Name	Contractor	Original Contract Amount	Previous Modifications	Amount this Modification	Adjusted Amount	Compliance Data	Description and Justification
MIA-746-R-3	B-C Infill Interior Finish-Out	Bermello Ajamil & Partners, Inc.	$5,624,140	$4,938,170	800,000	$11,362,310	No Measure. This contract was awarded by American Airlines in the Interim period between the end of the B/H/WBE measures and the beginning of CBE measures.	This Amendment will increase the agreement amount by $800,000 to provide funding for construction phase services through the end of the project, which is currently scheduled for August 11, 2011. A significant portion of the fees allocated for construction phase services were used for drawing modifications due to unforeseen conditions or program changes. The additional funding being added to the agreement allows for both an increase in the manpower to adequately support the two on-going construction projects (B746A and B746I) and to cover the extended construction time for the B746A project. The completion of the B746A project has been delayed by one year, due to baggage handling system delays. Elements of the B746A project cannot be completed until the baggage handling system is completed. Because of this, the B746A project is now scheduled to be completed on August 11, 2011. Therefore, the agreement is also being extended from October 11, 2010 to August 11, 2011. This change order also corrects a scrivener's error of $70 from the First Amendment resulting in the net increase of $799,930.
B780B	North Terminal Development Consolidation Program (NTDCP)	Parsons/Odebrecht Joint Venture	$542,041,500	$513,459,716	$10,000,000	$1,065,501,216.00	The DBE contract measures for this contract is 17.3%. To date DBE contractors have been paid $131,867,039 which is 16.83% of $783,692,243 which is what POJV has been paid and received as of 12/31/09.	This change order replenishes the Owner's Allowance account by $10,000,000 which was used for the Baggage Handling System (BHS) Mitigation Plan to mitigate impacts caused by the BHS Phase 1 completion. The BHS Mitigation Plan addresses impacts arising out of changes attributable to Transportation Security Administration, American Airlines, and unforseen conditions. The changes have caused significant delays in completing the BHS amounting to over $10 million. The Owner's total financial exposure to POJV and its trade contractors arising out of the BHS impacts was estimated at approximately $22 Million plus any pass through claims by its trade contractors. The NTD Project Management was able to negotiate the total a lump sum amount ($10 Million) in order to complete Phase I of the BHS. This includes reducing the 12 month delay for Project 740A to 5 months and settles all 740A lump sum work order time impacts through 8/31/09, settles a 12 month delay for project 746A/756E, and buys new schedule commitments from POJV and its trade contractors from 6/28/11 to 11/28/11.
B763C	MIA PCA and 400 Hz Completion	INET Airport Systems, Inc.	$6,942,753.00	$0	$1,000,000	$7,942,753.00	CSBE 14%. INET has not submitted a pay application for this project; therefore, INET has not received payment nor has there been any payments to its subcontractors.	This change order increases the Owner's allowance account by $1,000,000 to replenish the account so that refurbishment of the bridges at gate numbers D16, D20, D21, and D22 would be completed. It had been originally planned for this work to be performed under a separate INET - MDAD maintenance agreement that provides for the maintenance, field and inspection services, parts and components; future replacements of existing systems and parts; and emergency service for MDAD's existing preconditioned air and four hundred hertz (400Hz) systems. However, because of other required maintenance commitments, the contract authority under the maintenance agreement is no longer available.
MIA-740-R-1	C-D Federal Inspection Services Station	M. C. Harry and Associates, Inc.	$5,437,290	$3,054,824	$750,000	$9,242,114	No measures. BBE/HBE/WBE and subsequent CBE programs were not in effect at the time of award. However, the original agreement provides for the design professionals to consider utilizing CBE's but was voluntary. Presently, CBE firms have been paid $2,033,192 (27.1%) of the $7,518,061 which is what MC Harry has been paid as of 1/31/10.	This amendment increases the agreement amount with M.C. Harry by $750,000 for additional construction administration services and to fund additional unforseen issues including future requests from U.S. Customs and Border Protection and Transportation Security Administration. The delays in the BHS has also caused a delay of 6 1/2 months in the completion of the C-D Federal Inspection Services (FIS) Station project. This increase will fund construction administration services for the FIS project until the completion of the project scheduled for July 30, 2011.
B756AD	North Terminal Improvements Package 1 and Package 2	MCM-Dragados J.V.	$125,695,736	$10,000,000	$10,000,000	$145,695,736	The CSBE goal is 12% ($14,935,428). To date, the contractor has achieved a 16% CSBE goal of $12,048,569 based on payments of $76,037,148 to the contractor.	This change order increases the contract amount by $10,000,000 by increasing the general allowance account by the same amount to cover the cost of additional scope requested by MDAD, previously unknown conditions discovered in Phase 1, unforseen conditions incurred in Phase 2 of the project and required changes by federal agencies.

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