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

Memorandum

MIAMI-DADE COUNTY

Date: January 20, 2011

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

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Resolution No. R-11-11

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 September 30, 2010 up through December 16, 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 County 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 MDAD staff member responsible for monitoring this program is Juan Carlos Arteaga, North Terminal Development Program Director.

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 Board approval, but subject to established safeguards and Board oversight through ratification.

During this reporting period, the Miami-Dade Aviation Department (MDAD) processed seventeen (17) 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

EXHIBIT A

North Terminal Development Program
Ordinance No. 08-87
Project Ratification List
9/30/2010 - 12/16/2010

Contract Number	Project Name	Contractor	Original Contract Amount	Previous Modifications	Amount this Modification	Adjusted Amount	Compliance Data	Description and Justification
B761A2	MIA NTD Regional Commuter Facility	Beauchamp Construction Company, Inc.	$34,985,060	$6,000,000	$500,000	$41,485,060	This contract was awarded to Beauchamp with a 25.4% CSBE goal and a 10% CWP goal. This change order it increases the required CSBE participation from $1,885,312 to $1,909,312 and from $8,524,892 to $8,628,892 for an overall CSBE participation of $10,537,205. Based on the Monthly Utilization Report, the CSBE participation is currently 31.53% and 1.37%. To date, Beauchamp is in compliance with its CWP goal.	This change order increases the general allowance account by $500,000 because the project was impacted by the delays of the Regional Commuter Facility Apron (RCF Apron) project. Beauchamp could not proceed until the completion of the RCF Apron work. The RCF Apron project is being performed by another contractor. In addition, there have also been changes to the scope due to the unforeseen field conditions and owner requested changes to mitigate such impacts.
B775B	MIA C-D PDS Cabling	Dynalectric Company	$2,829,616	$3,740,342	$362,000	$6,931,958	The CSBE contract measures for this contract is 21%. As of the Monthly Utilization Report for the period ending 8/25/10, $635,033 has been paid to CSBE subcontractors. The CSBE participation achieved is 12.64% since this contract paid to date amount is $5,023,504.	The MIA C-D PDS Cabling project is one of the projects that are directly impacted by the BHS delays. The MIA C-D PDS Cabling project was directly impacted by changes to the BHS attributable to the TSA, AA, unforeseen conditions, and other causes which caused delays to the Federal Inspection Services (FIS) project. The remaining scope of work in this contract (775B) lies within the FIS facility foot print. Increasing the funding of the General Allowance Account would benefit MDAD in two ways: 1) It would allow the contractor to complete the scope of work in the contract which is required to support daily CBP operations; and 2) It would provide a procurement vehicle for small completion work and scope gaps that may occur within the program. Finally, since the TEN III ticket counter premise distribution system relocation work is completed, this change order transfers the unutilized balance of $57,474 from the Dedicated Allowance Account established by Change Order No. 2 to the General Allowance Account.
B780B	North Terminal Development Consolidation Program (NTDCP)	Parsons Odebrecht Joint Venture	$542,041,500	$533,459,716	$8,000,000	$1,083,501,216	The DBE contract measures for this contract is 17.3%. DBE contractors have been paid $153,703,399.66 which is 17.27% of $890,205,055 which is what POJV has been paid and received as of 7/31/2010.	The delay in the completion date of Phase Nos. 1 and 2 of the BHS will have and is having a detrimental effect on multiple projects and contractors of the NTD program. The projects in the POJV contract are some that have been directly impacted by the BHS delays due to changes attributable to the TSA, AA, unforeseen conditions, and other causes. The purpose of this change order is to replenish the allowance account to perform work to mitigate the delays and rephasing work to minimize the impact of the BHS delays. Also, this change order funds a global settlement to close out the AB Infill Shell & Interior Finishes project (Project 747B) by addressing the resolution of time impacts and to address changes such as unforeseen conditions and design changes required by agencies having jurisdiction over the project.
B780B	North Terminal Development Consolidation Program (NTDCP)	Parsons Odebrecht Joint Venture	$542,041,500	$541,459,716	$7,000,000	$1,090,501,216	The DBE contract measures for this contract is 17.3%. DBE contractors have been paid $153,703,399.66 which is 17.27% of $890,205,055 which is what POJV has been paid and received as of 7/31/2010.	CBP and TSA are requiring significant changes to the C-D Federal Inspection Services Station project (Project No. 740A). These changes are security enhancements which were not originally part of the scope of work. In addition, this change order funds work required to address unforeseen conditions associated with the existing structure plus additional demands by authorities having jurisdiction (Building and Fire Department).

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Contract Number	Project Name	Contractor	Original Contract Amount	Previous Modifications	Amount this Modification	Adjusted Amount	Compliance Data	Description and Justification
B780B	North Terminal Development Consolidation Program (NTDCP)	Parsons/Odebrecht Joint Venture (POJV)	$542,041,500	$523,459,716	10,000,000	$1,075,501,216	The DBE contract measures for this contract is 17.3%. As of March 31, 2010, DBE contractors have been paid $138,622,568 which is 16.76% of $827,122,429 which is what POJV has been paid and received as of 3/31/10.	Change Order No. 5 for the NTD Consolidation Program increases the Contract Amount by $10 million. Concourse A deficiencies in systems installed pre-9/11 in security, gate counters, data electrical, telephone, communications, air and closed-circuit TV systems did not comply with current safety and security requirements. The limited MDAD maintenance capacity could not address the requirements quickly enough to re-open the mothballed Concourse, so the projects were expedited using the Parsons-Odebrecht Joint Venture NTD Contract, as the contractor was in place and had qualified labor on site. This unanticipated work used a significant portion of the Owner's Allowance Account which must now be restored.
MIA-739C	Concourse D Remodel	Wolfberg Alvarez and Partners, Inc.	$2,165,871.00	$4,415,028	Increases the term of the Agreement		To date B/H/WBE firms have been paid as follows: BBE $123,730 or 2.57%, HBE $21,115 or .44%, and WBE $112,081 or 2.33% of $4,820,078 paid to the company.	The delay in Phase 1 completion date of the Baggage Handling System (BHS) will have and is having a detrimental effect on multiple projects and contractors of the North Terminal Development (NTD) program. The existing Agreement with Wolfberg/Alvarez expired in September 2010, therefore, this Amendment would extend the Agreement to August 31, 2010 to ensure the design professional's involvement throughout the completion of the project.
B701K	Construction Cost Estimating Services	US COST, Inc.	$3,000,000.00	$1,010,000	Extends the terms of the Agreement to December 31,2013 and adjusts compensation rates for key personnel		This project was awarded to US COST, Inc. with a 30% SBE goal. This change order extends the term of the agreement to December 2013. As of the most recent Monthly Utilization Report payments for the period ending September 31, 2010, the SBE participation on this project is at 29.57%.	The purpose of this amendment is to extend the term of the Agreement to December 31, 2013 and to adjust compensation rates for key personnel. On September 23, 2009, the Aviation Department exercised its option to extend the agreement for one additional two-year term, extending it to November 28, 2011. The NTD program, however, requires the continued support of US Cost through program completion and close-out including resolution of any claims. Due to changes and delays in the program, anticipated estimating requirements associated with the North Terminal Development Program need to be extended to assist with all project closeout issues. Also, US Cost has been instrumental in preparing conceptual and detailed estimates for other MDAD projects, some of which may be associated with the NTD close out process.
B702A	MIA North Terminal Automated People Mobility Systems	Lea & Elliot, Inc.	$11,196,299	$6,400,000	$1,013,148	$18,609,447	There are no small business measures on this contract.	On September 15, 2010, the sky train people mover successfully began operations. The original agreement provides operations and maintenance ("O&M") support for six months following the final acceptance of the APM system. However, due to the delays associated with the APM System Project and loss of warranties MDAD started the O&M support when the system began operations (Phase I) and this amendment would extend the services of our APM design professional to assist with a Phase 2 Operations & Maintenance role to help ensure the O&M Contractor continues to meet its obligations under the contract in maintaining the service availability/reliability requirements of the new APM System. Also, L&E has been instrumental in the successful transition of the Satellite E O&M Services to Metro Dade Transit ("MDT") and as such would be invaluable to assist and ensure the successful transition of O&M Services to MDT within the 2 year timeframe.

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North Terminal Development Program
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EXHIBIT A

Contract Number	Project Name	Contractor	Original Contract Amount	Previous Modifications	Amount this Modification	Adjusted Amount	Compliance Data	Description and Justification
B730A1	MIA NTD Baggage Handling System Installation	Siemens Energy & Automation, Inc.	$104,694,804	$96,965,196	$10,000,000	$211,660,000	This project was awarded to Siemens with a 2% CSBE goal and later changed the contract measures from 2% CSBE goal to 8% DBE goal. Based on the latest Monthly Utilization Report $2,543,077 was paid to CSBE firms for work performed through 10/1/07 and $14,910,224 has been paid to DBE firms to date for a 6.24% CSBE participation and a 15.49% DBE participation.	A number of significant design changes, which were required to make the system effective and efficient, have been added to the contract through a change order in 2009. These required changes reflect both revised Transportation Security Administration ("TSA") requirements and inefficiencies identified in the original mechanical and programming structures. The change order for these modifications was funded by a TSA grant. Although a lot of changes were implemented without any impact to the schedule, some have affected the testing requirements and its schedule. Nearly all of the installation work was completed on time, however, recent changes to the Owner's Acceptance Testing and TSA Testing schedule have impacted the completion for Phase I and Phase II of the BHS on June 2010. The testing is currently in progress and the completion is expected by beginning of 2011. This change order is to fund the extension of time for the contract to complete all the work and associated testing of the system to be fully functional and in compliance with necessary Authorities Having Jurisdiction ("AHJ") requirements.
B732D	B-C Apron	Marks Brothers, Inc.	$21,141,398.00	$12,113,743	$2,000,000	$35,255,142.00	The CSBE contract measures for this contract is 20.7%. The Monthly Utilization Report for the period ending 09/31/10 shows $5,071,560.24 paid to CSBE sub-contractors. The CSBE participation achieved is 22.49% since this contract paid to date amount is $22,547,011.95.	The delay in the completion date of Phase Nos. 1 and 2 of the BHS will have and is having a detrimental effect on multiple projects and contractors of the NTD. The B-C Apron project is one of the projects that are directly impacted by the BHS delays attributable to the TSA, AA, unforeseen conditions, and other causes. In particular the demolition of the existing Baggage Shed was postponed because of the BHS delays. The demolition of the Bag Shed is part of this Contractor's scope of work. The proposed Change Order Amount is for replenishment of the General Allowance Account so that adequate funds are available to extend the contract completion date and to pay for the costs associated with this delay, including extended overhead and Maintenance of Traffic (MOT) costs. Funds are also budgeted for 1) unforeseen conditions based on the dollar value of work remaining as of August 2010; 2) possible use to procure un-bought scopes of civil work as we get near the completion of the North Terminal Program; and, 3) to mitigate environmental issues that may be encountered as we move forward into the construction on the airfield.
B741F	MIA D Extension Completion	Allied Contractor's Inc.	$4,607,850	$1,992,682	$500,000	$7,100,532	The CSBE contract measures for this contract is 24%. As of this contract's Monthly Utilization Report for the period ending on 08/30/10, $4,269,650 has been paid to the CSBE prime and CSBE subcontractors - $3,323,488 attributed to the prime and $946,162 attributed to the subcontractors. The CSBE participation achieved is 80.55% since this contract paid to date is $5,300,399.95.	The purpose of this change order is to replenish the general allowance account to perform work that includes: corrective work requested by the Aviation Life Safety Bureau (ALSB) discovered during its inspections and corrective work required to bring the existing building into conditions acceptable for the intended use of the facility. Also, interior and exterior finishes of the "D" Extension project and stucco repairs of Concourse "A". During the execution of the Concourse "A" work and due to Allied having access to areas normally not accessible otherwise, several conditions were discovered that required immediate attention in order to prevent further damage to the building's existing and renovated areas. In addition, during ALSB inspections of the NTD work performed by another Contractor, several issues have been raised that required correction in order to achieve final acceptance by the Building Department and Fire Department.
B756AD	North Terminal Improvements Package 1 and Package 2	MCM/Dragados JV	$125,695,736	$20,000,000	$10,000,000	$155,695,736	This contract was awarded to MCM/Dragados with a 12% CSBE subcontractor goal and a 29% CWP goal. This change order it increases the required CSBE participation from $6,370,769 to $6,811,769 and from $10,950,211 to $11,708,211 for an overall CSBE participation of $18,519,981. Based on the Monthly Utilization Report, MCM has achieved CSBE participation of $7,087,071 or 7.45% and $7,719,768 or 8.12%. To date, MCM/Dragados are in compliance with its CWP goal.	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 MDAD requested additional scope, design omissions, and continuing discoveries of unknown conditions as the work progresses and gets into areas that were inaccessible prior to the start of construction. Also, additional (CL 76-91) ramp supply fans on the lower vehicle drive and replacement of all existing ones; remodeling of existing concourse area CL 41 to 46) and existing TSA area at ramp level CL 35 to 41) to include mechanical, electrical and plumbing (MEP), floor and ceiling finishes, plus fire sprinklers in existing areas; new feeder from switchgear room; air conditioning and life safety for CTX area at ramp level; and a power link system providing for a series of controls and associated wiring that control the lighting throughout the terminal.

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B703A5	North Terminal Development (NTD) Automated Baggage Handling System	URS Corporation Southern	$4,731,800	$7,000,000	$1,000,000	$12,731,800	There are no small business measures on this contract.	Due to delays with the BHS, this amendment provides the funding for URS to continue its services of providing required construction administration services for the installation, coordination and oversight, check-out, testing, commissioning, and final acceptance of the BHS. These services include the completion of Phase 1 and Phase 2 installation/testing and TSA re-commissioning procedures and continuing installation of the Phase III portion of the NTD Baggage/ Screening project anticipated to be completed late 2011.
B739A	C-D Extension Interior Finish-Out Project	Harper Partners/Perez & Perez Architects Joint Venture	$2,697,802.73		$65,000	$2,762,802.73	There are no CBE measures on this contract as this contract was awarded by American Airlines during the transition period between B/H/WBE measures and CBE measures.	HPP-JV was retained by American Airlines to provide design, engineering and construction administration services to the NTD and subsequently adopted by the Board pursuant to R-735-05. Due to Program phasing and other requirements, it was necessary to authorize a limited amount of design and construction administrative services in July and August of 2009 in order to finally closeout the C-D Extension Finish-Out project. The existing funding of the Contract is insufficient to address these unanticipated needs. The amount of this fourth Amendment will fully and finally resolve and close out all issues between the Joint Venture and MDAD arising out of or related to the professional services.
B740A	C-D Federal Inspection Services Station	M.C. Harry and Associates, Inc.	$5,437,290	$3,804,824	$374,000	$9,616,114	BBE, HBE, WBE and subsequent CBE programs were not in effect at time of award. However, the original agreement provides for the design professional to consider utilizing B/H/WBE firms, but such utilization was voluntary. To date B/H/WBE firms have been paid as follows: BBE $375,100 or 4.6%, HBE $1,417,866 or 17.4%, and WBE $240,226 or 2.9% of $8,166,599 which is what MC Harry has been paid and received as of 9/15/10.	This amendment funds the additional services account for the following needs: The delay in the BHS will have and is having a detrimental effect on multiple projects and contractors of the NTD. The C-D Federal Inspection Services (FIS) Station project is one of the projects that is directly impacted by the BHS delays. This amendment provides for design services to change the Location of various telecommunication rooms, electrical rooms, and other critical CBP spaces to ensure that these areas are operational by the NTD overall completion date and not dependent on completion of the baggage handling system. It also increases the funds available for additional Physical Security System services to incorporate additional request from the CBP. Also various areas that are part of the current FIS-740 contract documents that cannot be completed by the NTD overall completion date and design Services to identify and develop solutions to address issues caused by the advanced phasing of the project and unforeseen conditions.
B746A	B-C Infill Interior Finish-Out	Bermello Ajamil & Partners, Inc.	$5,624,210	$5,738,030	$200,000	$11,562,240	BBE, HBE, WBE and subsequent CBE programs were not in effect at time of award. However, the original agreement provides for the design professional to consider utilizing B/H/WBE firms, but such utilization was voluntary. To date B/H/WBE firms have been paid as follows: BBE $301,522.00 or 2.85%, HBE $386,649.00 or 3.66%, and WBE $2,013,950.00 or 19.05% of 10,573,558.07 which is what B&A has been paid and received as of 9/15/10.	The purpose of this amendment is to fund the additional services account to cover scope changes that are not anticipated at this time due to delays with the BHS. The BHS delay will now allow previously non-accessible construction areas to become available and unforeseen conditions will arise. This request will provide necessary funding for the A&E to cover any additional design changes caused by unforeseen conditions or possible construction phasing.

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North Terminal Development Program
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EXHIBIT A

Contract Number	Project Name	Contractor	Original Contract Amount	Previous Modifications	Amount this Modification	Adjusted Amount	Compliance Data	Description and Justification
B746I	MIA BC Infill 3rd and 4th Level Improvements	Munilla Construction Management, LLC	$7,587,626	$0	0	$7,587,626	This project was awarded to MCM with a 29% CSBE goal and a 10% CWP goal. This change order will increase the general allowance account by $200,000 thereby increasing he required CSBE participation from $2,010,809 to $2,068,809. Based on the latest Monthly Utilization Report, the CSBE participation is currently 44.05%. To date, MCM is in compliance with its CWP goal.	This change order transfers the unutilized balance of $200,000 from the Dedicated Allowance Account for the removal and relocation of unforeseen existing utilities discovered during demolition to the general allowance account. The project is more that 50% complete and no significant unforeseen utility relocation work is anticipated for the remainder of the project. The remaining balance is being transferred to the General Allowance Account to fund other unforeseen field conditions, owner requested changes, and to mitigate any potential delays.

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MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners

DATE: January 20, 2011

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

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

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)(B)
1-20-11

RESOLUTION NO. R-11-11

RESOLUTION RELATED TO NORTH TERMINAL DEVELOPMENT CONTRACTS AT MIAMI INTERNATIONAL AIRPORT; RATIFYING ACTIONS TAKEN PURSUANT TO ORDINANCE NO. 08-87 DURING THE PERIOD OF SEPTEMBER 30, 2010 UP THROUGH DECEMBER 16, 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 September 30, 2010 up through December 16, 2010, as more particularly described in the memorandum attached hereto.

The foregoing resolution was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Joe A. Martinez** and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman			aye
Audrey M. Edmonson, Vice Chairwoman			aye
Bruno A. Barreiro	aye	Lynda Bell	aye
Jose "Pepe" Diaz	aye	Carlos A. Gimenez	absent
Sally A. Heyman	absent	Barbara J. Jordan	absent
Jean Monestime	absent	Dennis C. Moss	aye
Natacha Seijas	absent	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2011. 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.

David M. Murray