

MEMORANDUM

Agenda Item No. 11(A)(4)

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

DATE: March 1, 2011

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

SUBJECT: Resolution directing County
Mayor to negotiate Change
Order No. 3 to Miscellaneous
Construction Contract No.
MCC-7-05 with Mike Gomez
Construction Consulting, Inc.

Resolution Number: R-183-11

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/up



MEMORANDUM
OFFICE OF THE MAYOR

DATE: February 3, 2011

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

FROM: Carlos Alvarez
Mayor

SUBJECT: Extension of Miscellaneous Construction Contract No. MCC-7-05 between Miami-Dade County and Mike Gomez Construction Consulting, Inc.

Having been informed that Vice-Chairwoman Audrey M. Edmonson is sponsoring a resolution for placement on the February 7, 2011 Regional Transportation Committee agenda regarding the referenced subject, and having no objections to such request, I recommend that the requirements of Section 5.03(d) of the Miami-Dade County Charter be waived in order to allow for an extension of the Miscellaneous Construction Contract No. MCC-7-05 between Miami-Dade County and Mike Gomez Construction Consulting, Inc., with such extension to run until either a new Miscellaneous Construction Contract is awarded for Miami International Airport, or until September 30, 2011, whichever is earlier, and providing for additional funds to be added to the contract for such extension period. This recommendation is warranted because Mike Gomez Construction Consulting, Inc. is currently operating at the Airport and is capable of quickly responding to the short term construction needs of the Airport. Additionally, expiration of the contract could jeopardize the ability of the Airport to secure grant funding by limiting its ability to quickly perform construction work, or could impact traveler comfort by delaying potentially necessary construction.

c: George M. Burgess, County Manager
Robert A. Cuevas, County Attorney
Eugene Love, Director, Office of Agenda Coordination
Jennifer Glazer-Moon, Special Assistant/Director, Office of Strategic Business Management
Charles Anderson, Commission Auditor
Diane Collins, Clerk of the Board



MEMORANDUM

(Revised)

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

DATE: March 1, 2011

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

SUBJECT: Agenda Item No. 11(A)(4)

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. 11(A)(4)
3-1-11

RESOLUTION NO. R-183-11

RESOLUTION DIRECTING THE COUNTY MAYOR TO NEGOTIATE CHANGE ORDER NO. 3 TO MISCELLANEOUS CONSTRUCTION CONTRACT NO. MCC-7-05 WITH MIKE GOMEZ CONSTRUCTION CONSULTING, INC., INCREASING THE CONTRACT IN AN AMOUNT NOT TO EXCEED \$10 MILLION DOLLARS AND EXTENDING THE CONTRACT TIME NO LATER THAN SEPTEMBER 30TH, 2011; AUTHORIZING THE COUNTY MAYOR OR MAYOR'S DESIGNEE TO EXECUTE SUCH CHANGE ORDER AND TO EXERCISE DELEGATED AUTHORITY DESCRIBED THEREIN, AND WAIVING FORMAL BID PROCEDURES AND PROVISIONS PURSUANT TO SECTION 2-8.1 MIAMI-DADE COUNTY CODE AND SECTION 5.03(D) OF THE MIAMI-DADE HOME RULE CHARTER, AND SECTION 255.20 FLORIDA STATUTES

WHEREAS, the current economic downturn has severely impacted small construction contractors in Miami-Dade County, along with other businesses; and

WHEREAS, the Miscellaneous Construction Contract No. MCC-7 (the MCC) has proven to be an efficient and effective way of accomplishing needed repairs and construction at Miami-International Airport while also maximizing small business participation in such repairs or construction; and

WHEREAS, the ability to issue new work orders under the MCC expired on January 22nd, 2011, although the contractor continues to perform work on previously issued work orders; and

WHEREAS, the next available Regional Transportation Committee meeting to consider an extension of the MCC is on Monday, February 7th, 2011; and

WHEREAS, a replacement contract will not be awarded until later this year; and

WHEREAS, the expiration of the MCC and the absence of such a contract would negatively impact both the Airport and the small business community; and

WHEREAS, the contractor is currently on site at Miami International Airport, is performing work, is appropriately licensed, and is uniquely qualified to perform work until a successor contract is let and awarded; and

WHEREAS, work is issued under the MCC on an as-needed basis, so in the event construction work under the MCC is not needed prior to end of the contract, that money will be returned to the County and used to fund the successor contract, MCC-8; and

WHEREAS, the County Mayor has recommended that a waiver of competitive bids to allow execution of this change order is in the best interests of Miami Dade County, such recommendation being attached hereto and incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby directs the County Mayor or the Mayor's designee to negotiate Change Order No. 3 to Miscellaneous Construction Contract No. MCC-7-05 with Mike Gomez Construction Consulting, Inc., which Change Order shall increase the contract duration issuance of a successor contract or until no later than September 30th, 2011, and increasing the contract amount in an amount not to exceed \$10 million dollars, and which provides for a termination for convenience clause; and authorizes the County Mayor or his Designee to execute such change order without need for subsequent Board action; finds it to be in the best interest of the County to waive formal bid procedures pursuant to Section 2-8.1, Miami-Dade County and Section 5.03 (D) of the Miami-Dade Home Rule Charter, and Section 255.20 Florida Statutes, by a two-thirds (2/3) vote of members of the Board of County Commission.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Audrey M. Edmonson. It was offered by Commissioner **Audrey M. Edmonson**, 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:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 3rd day of March, 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