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

Memorandum

MIAMI-DADE COUNTY

Date: April 2, 2013

Agenda Item No. 14(A)(5)

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Resolution authorizing retroactive Amendment One to Miami-Dade Fire Rescue Department Contract MDFRD-T-23 for construction of Homestead Fire-Rescue Station
Resolution No. R-276-13

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve the attached Resolution authorizing retroactive Amendment One to Miami-Dade Fire Rescue Department Contract Number MDFRD-T-23 for construction of Homestead Fire-Rescue Station 16. The amendment extends the contract days by 129 days to address change orders and contractor delays.

SCOPE

This item impacts the Miami-Dade Fire Rescue District. Homestead Fire-Rescue Station 16 is located in Commission District 9.

FISCAL IMPACT/FUNDING SOURCE

The funding source for this contract is Sunshine State Financing and Fire Impact Fees.

TRACK RECORD/MONITOR

The contract has been monitored by Alberto Perdigon, Construction Manager, Facilities and Construction Division, Miami-Dade Fire Rescue Department.

BACKGROUND

The Award for Construction contract number MDFRD-T-23 with JCON GROUP, Corp. for replacement of the existing Homestead Fire-Rescue Station 16 approved September 27, 2010, specified the contract duration as 420 days with 42 days for contingency, correlating to December 6, 2011 and January 17, 2012, respectively. The Temporary Certificate of Occupancy for Station 16 was obtained on May 25, 2012, 129 days after January 17, 2012.

A retroactive time extension of 129 days (91compensable and 38 non-compensable days) is required to complete the project as a result of change orders and contractor delays. The compensable time extension includes 68 days for 25 approved change orders for extension of the fire line, modification of secure fire and rescue equipment storage and required additional framing of the exterior soffit. The remaining 23 compensable days are attributable to administrative processing of changes orders.

In accordance with General Conditions Article 48, liquidated damages of $19,000 ($500 per day for the 38 non-compensable days) are being assessed to JCON GROUP, Corp. for failure to complete the work within the 420 days stipulated by the contract. No additional funds are required for the approved contract.

Genaro "Chip" Iglesias
Deputy Mayor

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: April 2, 2013

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

SUBJECT: Agenda Item No. 14(A)(5)

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 Mayor'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)(5)
4-2-13

RESOLUTION NO. R-276-13

RESOLUTION AUTHORIZING RETROACTIVE AMENDMENT ONE TO MIAMI-DADE FIRE RESCUE DEPARTMENT CONTRACT MDFRD-T-23 FOR CONSTRUCTION OF HOMESTEAD FIRE-RESCUE STATION; EXTENDING THE CONTRACT BY 129 DAYS (91 COMPENSABLE AND 38 NON-COMPENSABLE CALENDAR DAYS)

WHEREAS, the attached memorandum recommends approval of retroactive Amendment One to Miami-Dade Fire Rescue Department Contract Number MDFRD-T-23 for construction of Homestead Fire-Rescue Station 16. The amendment extends the contract days by 129 days to address change orders and contractor delays,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

Section 1. The Board of County Commissioners does hereby approve Amendment One to Miami-Dade Fire Rescue Department Contract MDFRD-T-23 in substantially the form attached hereto and made part hereof; and authorizes the County Mayor and/or County Mayor's Designee to execute same and exercise the termination provisions contained therein.

Section 2. This resolution shall become effective upon its adoption in accordance with the law.

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

Rebeca Sosa, Chairwoman			**aye**
Lynda Bell, Vice Chair			**aye**
Bruno A. Barreiro	**absent**	Esteban L. Bovo, Jr.	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**aye**
Sally A. Heyman	**aye**	Barbara J. Jordan	**aye**
Jean Monestime	**aye**	Dennis C. Moss	**aye**
Sen. Javier D. Souto	**absent**	Xavier L. Suarez	**aye**
Juan C. Zapata	**aye**		

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of April, 2013. 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: ***Christopher Agrippa***
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency. DF

Daniel Frastai

MIAMI-DADE COUNTY, FLORIDA

FIRE RESCUE

AMENDMENT TO ORIGINAL CONTRACT

AMENDMENT NO: 1 CONTRACT NO: MDFRD-T-23 DATE: 2/7/2013

PROJECT TITLE: Homestead Fire Rescue Station No. 16

TO CONTRACTOR: JCON GROUP, CORP. 10 NW 42nd Ave, Suite 310 Miami - FL - 33128

YOU ARE HEREBY REQUESTED TO MAKE THE FOLLOWING CHANGES IN THE PLANS AND SPECIFICATIONS FOR THIS PROJECT AND TO PERFORM THE WORK ACCORDINGLY, SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

Description of work authorized:

Monetary Justification:

Time Justification: The Award for Construction contract number MDFRD-T-23 with JCON GROUP, Corp. for replacement of the existing Homestead fire-rescue station 16 approved September 27, 2010, specified the contract duration as 420 days with 42 days for contingency, correlating to December 6, 2011 and January 17, 2012, respectively. The Temporary Certificate of Occupancy for Station 16 was obtained on May 25, 2012, 129 days after January 17, 2012.

This amendment includes not only all direct costs of contractor such as labor, material, job overhead, and profit markup; but also includes any costs for modifications or changes in sequence of work to be performed, delays, rescheduling, disruption, extended direct overhead or general overhead, acceleration, material or other escalation which include wages and other impact costs.

Contractor hereby waives, fully releases, discharges and acquits Miami-Dade County of any and all liability for claims, additional costs, and any requests for additional time arising out of the fulfillment of the contract and this change order from the date of the contract award to and including execution of this change order.

SUMMARY OF CONTRACT AMOUNT / TIME

ORIGINAL CONTRACT AMOUNT	$2,094,819.30
COST OF CHANGES PREVIOUSLY ORDERED	$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE	$2,094,819.30
COST OF CHANGES WITH THIS DOCUMENT	$0.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE	$2,094,819.30
PERCENT INCREASE WITH THIS CHANGE	0%
TOTAL PERCENT INCREASE TO DATE	0%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	420 / 0 / 129
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	42 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE	591

CERTIFYING STATEMENT: *The Contractor certifies that the changes and supporting cost data included is in its considered opinion necessary and accurate and that the prices quoted are fair and reasonable.*

Accepted By:

Organization	Name	Title	Date
JCON GROUP, CORP.	Joe Fernandez	Contractor	2/21/2013
Surety	The Hanover Insurance Company	Surety	

Title Atty.-In-Fact Name Charles J. Nielson Date 2/22/13

Approved By: County Attorney (for legal sufficiency)

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Approved By: County Mayor _____ _____

Attested By: Clerk of the Board _____ _____

Time Justification: (Continued)

A retroactive time extension of 129 days (91compensable and 38 non-compensable days) is required to complete the project as a result of change orders (91 days) and contractor delays (38 days). The compensable time extension includes 68 days for 26 approved change orders for extension of the fire line, modification of secure fire and rescue equipment storage and required additional framing of exterior soffit. The remaining 23 compensable days are attributable to administrative processing of changes orders.

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

POWERS OF ATTORNEY
CERTIFIED COPY

KNOW ALL MEN BY THESE PRESENTS: That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, do hereby constitute and appoint

Charles J. Nielson, David R. Hoover, Charles D. Nielson and/or Joseph P. Nielson

of **Miami Lakes, FL** and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, acknowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated

any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:

Any such obligations in the United States, not to exceed Twenty Five Million and No/100 ($25,000,000) in any single instance.

and said companies hereby ratify and confirm all and whatsoever said Attorney(s)-in-fact may lawfully do in the premises by virtue of these presents. These appointments are made under and by authority of the following Resolution passed by the Board of Directors of said Companies which resolutions are still in effect:

"RESOLVED, That the President or any Vice President, in conjunction with any Vice President, be and they are hereby authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as its acts, to execute and acknowledge for and on its behalf as Surety any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this **28th** day of **November 2011.**

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

Robert Thomas, Vice President

Mary Fitzgerald, Vice President

THE COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF WORCESTER) ss.

On this **28th** day of **November 2011** before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.

BARBARA A. GARLICK
Notary Public
Commonwealth of Massachusetts
My Commission Expires Sept. 21, 2018

Barbara A. Garlick, Notary Public
My Commission Expires September 21, 2018

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America.

"RESOLVED, That any and all Powers of Attorney and Certified Copies of such Powers of Attorney and certification in respect thereto, granted and executed by the President or any Vice President in conjunction with any Vice President of the Company, shall be binding on the Company to the same extent as if all signatures therein were manually affixed, even though one or more of any such signatures thereon may be facsimile." (Adopted October 7, 1981 - The Hanover Insurance Company; Adopted April 14, 1982 - Massachusetts Bay Insurance Company; Adopted September 7, 2001 - Citizens Insurance Company of America)

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 22 day of February 20 13 .

THE HANOVER INSURANCE COMPANY
MASSACHUSETTS BAY INSURANCE COMPANY
CITIZENS INSURANCE COMPANY OF AMERICA

Glenn Margosian, Vice President