

Memorandum



Date: June 4, 2013

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

From: Carlos A. Gimenez
Mayor 

Subject: Change Order No. 1 and Final (Retroactive) for the People's Transportation Plan (PTP) Project entitled Roadway Improvements along SW 62 Avenue from SW 24 Street to NW 7 Street, Located within Commission District 6 (Project No. 20060469 PTP ESP; Contract No. 20060469), to Acosta Tractors, Inc.

Agenda Item No. 8(L)(8)

Resolution No. R-439-13

Recommendation

The attached Change Order No. 1 and Final (Retroactive) for a contract between Acosta Tractors, Inc. and Miami-Dade County has been prepared by the Public Works and Waste Management Department (PWWM) and is recommended for approval.

CHANGE ORDER NUMBER: 1 and Final

Scope

PROJECT NAME: PTP Roadway Improvements along SW 62 Avenue from SW 24 Street to NW 7 Street

PROJECT NO: 20060469 PTP ESP

CONTRACT NO: 20060469

PROJECT DESCRIPTION: The work performed under this contract consisted of, but was not limited to, furnishing all supervision, labor, required materials, equipment and tools to perform all operations necessary for pavement reconstruction and traffic operational improvements to the existing two-lane roadway along SW 62 Avenue, from SW 24 Street to NW 7 Street. Improvements included a continuous storm drainage system, new pavement markings, roundabouts, curb and gutters, new sidewalks, landscaping, signage, street lighting and traffic signalization.

PROJECT LOCATION: SW 62 Avenue from SW 24 Street to NW 7 Street

PRIMARY COMMISSION DISTRICT: District 6 Commissioner Rebeca Sosa

APPROVAL PATH: Board of County Commissioners
Economic Stimulus Plan

USING DEPARTMENT: Public Works and Waste Management

MANAGING DEPARTMENT: Public Works and Waste Management

Fiscal Impact / Funding Source

FUNDING SOURCE: Charter County Transit System Surtax, PTP Bond Program. This Change Order does not create an additional impact on current or future annual County budgets.

CHANGE ORDER FUNDING SOURCE: Not applicable. This Change Order does not increase the contract amount.

PTP FUNDING: Yes

GOB FUNDING: No

ARRA FUNDING: No

CHANGE ORDER DESCRIPTION: Extend the contract time by 218 calendar days.

MONETARY JUSTIFICATION: Not applicable. This Change Order does not increase the contract amount.

TIME JUSTIFICATION: This Change Order extends the contract time by 218 calendar days due to the following:

During the course of construction additional coordination was required with Florida Power and Light (FPL), American Telephone and Telegraph (AT&T), Comcast, and the Miami-Dade County Water and Sewer Department (WASD) due to unforeseen conflicts with underground utilities. Delays were caused by the need to relocate the utilities, as well as the redesign of affected project components within the limits of construction. This delayed the Contract by 91 calendar days.

Additionally, coordination with the City of West Miami (City) took place in order to address the replacement of a failing City owned water main within the Contract's limits of construction. The existing poor condition of the water main was exacerbated by the project's construction activities. This additional work requested by the City, delayed the Contract by 61 calendar days and was paid to the Contractor from the Contract's contingency funds.

Furthermore, in an effort to benefit from the Contract's competitive prices and cause the least amount of disruption to the area's residents, PWWM requested that the Contractor perform additional work at the northern terminus of the Project to address drainage improvement needs in the area. An increase in time was necessary in order to allow for the design and installation of an additional drainage system along the north side of Tamiami Canal Road, the design and installation of an additional conflict structure at NW 5 Street, and the design and installation of a required asphalt over-build at the intersection of NW 62 Avenue and Tamiami Canal Road. This additional work delayed the Contract by 90 calendar days and was paid from the Contract's contingency funds.

Finally, the Contract was delayed by 30 calendar days on account of severe weather conditions, including Tropical Storm Nicole, which restricted the ability of the Contractor to work on the site.

The project has been delayed a total of 272 calendar days, of which 54 days were

granted through the contingency time included in the Contract, netting 218 calendar days requested in this Change Order. Compensation for delays to the Contractor in the amount of \$274,855.23 were established in accordance with the Florida Department of Transportations' Standard Specification for Road and Bridge Construction 2004 Edition, Section 5-12.6.2.2, and are being paid through the contingency funds included in the Contract. Compensable time was granted to the Contractor as justified above for design modifications to address unforeseen field conditions, along with changes requested by the Department to respond to residents' concerns. The construction of the project was completed with an overall savings of \$611,753.01.

This Change Order also addresses the utilization of dedicated allowances which exceed that stated in the recommendation for award. This was due to significant changes in the market conditions regarding the price of asphalt, and the need for additional police presence during construction activities from that originally contemplated for the contract.

	<u>Original Contract Values</u>	<u>Previous Adjustments To Values</u>	<u>This Change Order Values</u>	<u>Current Totals</u>	<u>Total Paid</u>	<u>Balance After Change Order</u>
BASE:	\$7,474,889.88	\$0.00	\$ 0.00	\$7,474,889.88	\$6,814,999.24	\$659,890.64
CONTINGENCY:	\$747,488.99	\$0.00	\$0.00	\$747,488.99	\$655,041.52	\$92,447.47
DEDICATED:	<u>\$294,947.80</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$294,947.80</u>	<u>\$435,532.90</u>	<u>\$-140,585.10</u>
TOTALS:	\$8,517,326.67	\$0.00	\$ 0.00	\$8,517,326.67	\$7,905,573.66	\$611,753.01

	<u>Original Contract Duration</u>	<u>Previous Adjustments To Duration</u>	<u>This Change Order Duration</u>	<u>Current Totals</u>
BASE DURATION:	540	0	218	758
CONTINGENCY:	<u>54</u>	<u>0</u>	<u>0</u>	<u>54</u>
TOTAL DURATION:	594	0	218	812

INITIATING FACTOR(S) FOR CHANGE ORDER

<u>Reason</u>	<u>Cost</u>	<u>Duration</u>
Unforeseen Conditions	\$ 0.00	108
County Requested Change	<u>\$ 0.00</u>	<u>110</u>
	\$ 0.00	218

Track Record / Monitor

PERFORMANCE RECORD: PWWM has reviewed the Capital Improvements Information System (CIIS) database for contractor's performance and found that it reflects nine (9) contracts awarded and 11 evaluations given with an average rating of 3.5 out of a possible 4.0 points (3.0 is satisfactory performance).

PRIME CONTRACTOR: Acosta Tractors, Inc.

COMPANY PRINCIPAL: Felix Acosta, Mayra Acosta and Alejandro Ros

COMPANY QUALIFIERS: Felix Acosta

COMPANY EMAIL ADDRESS: felix@acostatractors.com

COMPANY STREET ADDRESS: 11986 NW 97 Avenue

COMPANY CITY-STATE-ZIP: Hialeah Gardens, Florida 33018-1608

YEARS IN BUSINESS AT TIME OF AWARD: 34 years

PREVIOUS CONTRACTS WITH COUNTY IN THE LAST FIVE YEARS AT TIME OF AWARD: According to the Firm History Report as provided by the Department of Regulatory and Economic Resources, the Contractor has been awarded six (6) contracts totaling \$23,877,926.61.

SUB CONTRACTORS AND SUPPLIERS (SECTION 10-34 MIAMI DADE COUNTY CODE): PSI, Construct Group Corp., Ranger Construction South, R&D, Jack Concrete, Jenny Sod, High Tech Stripping, Boreman, Luis Milling, Ferguson Enterprises, Inc., White Rock Quarries, Barreiro Concrete, Concrete Supermix.

REVIEW COMMITTEE ASSIGNED CONTRACT MEASURES:	TYPE	GOAL	ESTIMATED	
			VALUE	ACHIEVED
	CSBE	22%	\$1,808,923.35	\$1,610,142.37 (see page 5)
	CWP	10%	2	3

CONTRACT MANAGER NAME / PHONE / EMAIL: Frank Aira (305) 375-2930 airaf@miamidade.gov

PROJECT MANAGER NAME / PHONE / EMAIL: Pedro M. Marsan (305) 281-9062 marsan@miamidade.gov

BACKGROUND:

This project was specifically listed in the PTP as one of the Board requested improvement projects. The project will include a new storm drainage system that will alleviate flooding, provide on-street parking, improve traffic safety by constructing roundabouts for traffic calming, enhance the aesthetics of the corridor with new landscaping and decorative lighting.

This contract's Notice to Proceed was effective on August 17, 2009, and the contract duration was 540 calendar days. The original expiration date was February 8, 2011. A contingency time extension of 54 days was granted, bringing the revised contract expiration date to April 3, 2011. This Change Order extends the contract time by 218 calendar days, bringing the final expiration date of this contract to November 7, 2011. As referenced above, compensable time was paid to the Contractor to address unforeseen conflicts which affected the project's construction. Extensive negotiations took place, leading to the agreed upon expiration date and associated compensation, subsequently delaying the processing of this Change Order request.

This project was awarded with a 22% CSBE goal of \$1,808,923.35. CSBE firms were paid \$1,610,142.37 or 21.6% of the contract amount. Small Business Development (SBD) under the Business Affairs Division of the Department of Regulatory and Economic Resources reviewed the work and quantities paid and found that Acosta had good cause for not meeting the overall Schedule of Intent commitment and is therefore excused from the remaining value of the CSBE goal on this project. In particular, a number of items which were originally scheduled to be completed by Construct Group Corp. (CGC), a CSBE firm, were reduced or eliminated. Additionally, CGC was not available to perform flatwork items due to other commitments. This reduced the overall scope of work available to CGC. CGC advised SBD in writing that this resulted from a scheduling issue on their part and did not have a negative impact to the firm.



MEMORANDUM

(Revised)

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

DATE: June 4, 2013

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

SUBJECT: Agenda Item No.

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. 8L8
6-4-13

RESOLUTION NO. R-439-13

RESOLUTION APPROVING CHANGE ORDER NO. 1 AND FINAL FOR A CONTRACT BETWEEN MIAMI-DADE COUNTY AND ACOSTA TRACTORS, INC., FOR A PUBLIC WORKS AND WASTE MANAGEMENT DEPARTMENT PROJECT ENTITLED ROADWAY IMPROVEMENTS ALONG SW 62 AVENUE FROM SW 24 STREET TO NW 7 STREET, LOCATED WITHIN COMMISSION DISTRICT 6 (PROJECT NO 20060469 PTP ESP; CONTRACT NO. 20060469), EXTENDING THE CONTRACT BY 218 CALENDAR DAYS

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 approves Change Order No. 1 and final for a Contract between Miami-Dade County and Acosta Tractors, Inc., for a Public Works and Waste Management Department project entitled Roadway Improvements along SW 62 Avenue from SW 24 Street to NW 7 Street, located within Commission District 6 (Project No. 20060469 PTP ESP; Contract No. 20060469), extending the Contract by 218 calendar days.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of June, 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

Christopher Agrippa

By: _____
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

requested by the City, delayed the Contract by 61 calendar days and was paid to the Contractor from the Contract's contingency funds.

Furthermore, in an effort to benefit from the Contract's competitive prices and cause the least amount of disruption to the area's residents, PWWM requested that the Contractor perform additional work at the northern terminus of the Project to address drainage improvement needs in the area. An increase in time was necessary in order to allow for the design and installation of an additional drainage system along the north side of Tamiami Canal Road, the design and installation of an additional conflict structure at NW 5 Street, and the design and installation of a required asphalt over-build at the intersection of NW 82 Avenue and Tamiami Canal Road. This additional work delayed the Contract by 90 calendar days and was paid from the Contract's contingency funds.

Finally, the Contract was delayed by 30 calendar days on account of severe weather conditions, including Tropical Storm Nicole, which restricted the ability of the Contractor to work on the site.

The project has been delayed a total of 272 calendar days, of which 54 days were granted through the contingency time included in the Contract, netting 218 calendar days requested in this Change Order. Compensation for delays to the Contractor in the amount of \$274,855.23 were established in accordance with the Florida Department of Transportation's Standard Specification for Road and Bridge Construction 2004 Edition, Section 5-12.6.2.2, and are being paid through the contingency funds included in the Contract. Compensable time was granted to the Contractor as justified above for design modifications to address unforeseen field conditions, along with changes requested by the Department to respond to residents' concerns. The construction of the project was completed with an overall savings of \$611,753.01.

Time Justification Declaration:

A time extension is provided for additional work performed outside the scope of the original Contract that affects the critical path schedule of the contracted work or previously approved changes. Should additional work be required which does not affect the critical path schedule, no time extension will be granted. Should one item of additional work run concurrent with another item of additional work, only time not duplicated can be provided.

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-4

One Hartford Plaza
Hartford, Connecticut 06155

call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Code: 21-229752

- Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
- Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
- 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, Charles D. Nielson, Joseph Penichet Nielson, David R. Hoover
of
Miami Lakes, 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 August 1, 2009 the Companies have caused these presents to be signed by its 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.



Wesley W. Cowling

Wesley W. Cowling, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Vice President

STATE OF CONNECTICUT }
COUNTY OF HARTFORD } ss. Hartford

On this 12th day of July, 2012, 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 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.



CERTIFICATE

Kathleen T. Maynard
Kathleen T. Maynard
Notary Public
My Commission Expires July 31, 2016

I, the undersigned, 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 April 9, 2013.
Signed and sealed at the City of Hartford.



Gary W. Stumper

Gary W. Stumper, Vice President

STRATEGIC AREA: Transportation
 DEPARTMENT: Public Works and Waste Management

***** FUNDED PROJECTS *****
 (dollars in thousands)

IMPROVEMENTS ON SW 264 STREET FROM US-1 TO SW 137 AVENUE

PROJECT # 6010440

DESCRIPTION: Construct curbs, gutters, and traffic operational improvements on one mile of roadway

LOCATION: SW 264 St from US-1 to SW 137 Ave
 Unincorporated Miami-Dade County

DISTRICT LOCATED: 9
 DISTRICT(s) SERVED: 9

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
People's Transportation Plan Bond Program	351	656	2,800	936	0	0	0	0	4,743
Charter County Transit System Surtax	68	0	0	0	0	0	0	0	68

TOTAL REVENUE: 419 656 2,800 936 0 0 0 0 4,811

EXPENDITURE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
Planning and Design	419	56	0	0	0	0	0	0	475
Construction	0	600	2,800	936	0	0	0	0	4,336

TOTAL EXPENDITURES: 419 656 2,800 936 0 0 0 0 4,811

IMPROVEMENTS ON SW 62 AVENUE FROM SW 24 STREET TO NW 7 STREET

PROJECT # 602840

DESCRIPTION: Construct street improvements on two miles of roadway

LOCATION: SW 62 Ave from SW 24 St to NW 7 St
 Unincorporated Miami-Dade County

DISTRICT LOCATED: 6
 DISTRICT(s) SERVED: 6

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
People's Transportation Plan Bond Program	9,767	100	0	0	0	0	0	0	9,867
Charter County Transit System Surtax	112	0	0	0	0	0	0	0	112

TOTAL REVENUE: 9,879 100 0 0 0 0 0 0 9,979

EXPENDITURE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
Planning and Design	610	0	0	0	0	0	0	0	610
Construction	9,269	100	0	0	0	0	0	0	9,369

TOTAL EXPENDITURES: 9,879 100 0 0 0 0 0 0 9,979

INTERSECTION IMPROVEMENT SW 144 STREET AND SW 92 AVENUE

PROJECT # 609570

DESCRIPTION: Construct intersection improvements.

LOCATION: SW 144 St and 92 Ave
 Unincorporated Miami-Dade County

DISTRICT LOCATED: 8
 DISTRICT(s) SERVED: 8

ESTIMATED ANNUAL OPERATING IMPACT: Minimal

REVENUE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
Road Impact Fees	500	0	0	0	0	0	0	0	500

TOTAL REVENUE: 500 0 0 0 0 0 0 0 500

EXPENDITURE SCHEDULE:	PRIOR	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	FUTURE	TOTAL
Construction	400	100	0	0	0	0	0	0	500

TOTAL EXPENDITURES: 400 100 0 0 0 0 0 0 500



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources
Small Business Development
111 NW 1 Street, 19th Floor
Miami, Florida 33128
T 305-375-3111 F 305-375-3160

February 25, 2013

Mr. Felix Acosta, President
Acosta Tractors, Inc.
11986 N.W 97th Avenue
Hialeah Gardens, FL 33018

Via E-Mail
felix@acostatractors.com

NOTICE OF INTENT TO VIOLATE

Re: Project No. 20060469, Roadway Improvements along SW 62nd Avenue from SW 24th to NW 7th Street

Dear Mr. Acosta:

Small Business Development (SBD) under the Business Affairs Division of the Department of Regulatory and Economic Resources is responsible for monitoring awarded contracts for compliance with the Community Small Business Enterprise (CSBE) Program, §10-33.02 of the Code of Miami-Dade County. Pursuant to the CSBE Program, a subcontractor goal is a portion of a prime contract value stated as a percentage to be subcontracted to a CSBE to perform a commercially useful function. Reduction of the scope of work of a CSBE meeting a goal without prior approval from SBD is a contractual violation that may result in the imposition of sanctions.

The subject project was awarded to Acosta Tractors, Inc. (Acosta) with a 22% CSBE goal. Acosta submitted a Schedule of Intent Affidavit for R&D Electric, Inc. to perform 20.77% in electric work and Construct Group Corp. to perform concrete work for 1.23% or \$91,881.50 (1.23% x \$7,470,040 final paid on base plus contingency) in CSBE participation. Payments to Construct Group Corp. totaled \$40,305.18 and resulted in a \$51,576.32 deficit on the SOI commitment. Acosta exceeded its commitment to R&D Electric, Inc. by \$18,309.72 and this amount can be used to reduce the overall deficit when calculating a make-up amount, if applicable.

In accordance with the CSBE Program, should a contractor fail to achieve the established CSBE measure on a contract, their eligibility to receive any future County contracts will be conditioned upon the bidder making up the deficit by having a CSBE perform equal to double the dollar value of the CSBE deficiency on the prior contract. SBD hereby reserves the right to issue a Notice of Violation to Acosta for non-compliance with the CSBE goal. Before the issuance of a Notice of Violation on this matter, which will be recorded on Acosta's official record, you have an opportunity to provide us with any information you may have to refute these findings. Please provide a response by March 11, 2013.

Should you have any questions, please contact Myrtle Richards, Compliance Officer at (305) 375-3156.

Sincerely,

[Handwritten signature of Alice Hidalgo-Gato]

Alice Hidalgo-Gato, Director of Contract Monitoring and Compliance
Small Business Development, Business Affairs Division

c: Alejandro Martinez-Esteve, PWWM
Leo Salgueiro, Constr. Manager, PWWM
Bassam Moubayed, PWWM

Mario Goderich, Assistant Director, RER
Veronica Clark, Assistant to the Dir., SBD, RER
CMC NOIV File

Delivering Excellence Every Day

T:\CCD\M\0 MYRTLE\NOTICE OF INTENT TO VIOLATE CSBE\20060469 Acosta 2-22-2013.docx

Memorandum



Date: February 26, 2013

To: Kathleen Woods-Richardson, Director
Public Works and Waste Management Department

From: Mario Goderich, Assistant Director
Business Affairs Division,
Department of Regulatory and Economic Resources

Subject: Project No. 20060469, Roadway Improvements along SW 62nd Avenue from SW 24 Street to NW 7th Street

The subject project was reviewed by Small Business Development (SBD), under the Business Affairs Division of the Department of Regulatory and Economic Resources for compliance with the 22% Community Small Business Enterprise (CSBE) goal and 10% Community Workforce Program (CWP). To date, Community Small Business Enterprises meeting the goal have been paid \$1,610,142.37 or 21.6% based on paid to date amounts to the prime for base plus contingency. SBD has addressed the \$33,266 deficit with the prime; a make-up may be issued if warranted. The 10% Community Workforce Program goal required two (2) employees and was achieved with three (3) employees.

Please do not hesitate to contact Veronica Clark, Assistant to the Director at 305-375-4770 if you need additional information.

c: Alejandro Martinez-Esteve, PTP Coordinator, PWWW
Alice Hidalgo-Gato, CMC Division Director, SBD, RER
Traci Adams-Parrish, Administrative Officer 2, SBD, RER



Carlos A. Gimenez, Mayor

Department of Regulatory and Economic Resources
Small Business Development
111 NW 1 Street, 19th Floor
Miami, Florida 33128
T 305-375-3111 F 305-375-3160

March 22, 2013

Mr. Felix Acosta, President
Acosta Tractors, Inc.
11986 N.W 97th Avenue
Hialeah Gardens, FL 33018

Via E-Mail
fpacosta@acostatractors.com

Re: Project No. 20060469, Roadway Improvements along SW 62nd Avenue from SW 24th to NW 7th Street

Dear Mr. Acosta:

Small Business Development (SBD) under the Business Affairs Division of the Department of Regulatory and Economic Resources reviewed the documents submitted in response to the February 25, 2013 Notice of Intent to Violate (NOIV) issued to Acosta Tractors, Inc. (Acosta) for not meeting its Community Small Business Enterprise (CSBE) commitment to Construct Group Corp. to perform concrete work for 1.23% or \$91,881.50 of the referenced contract. Payments to Construct Group Corp. (CGC) totaled \$40,305.18 which resulted in a \$51,576.32 deficit on the SOI commitment to CGC, and an overall deficit of \$33,266.60 on the project.

SBD reviewed the work specified in Exhibits A and B of CGC's contract and the quantities paid for these items in the Project Requisition and Payment Certificate and found that the County paid \$1,524,239.84 for these items. In correspondence dated March 18, 2013, CGC reported that it was not available to perform the "flatwork" items included in Exhibit B. Based on the unavailability of CGC, Acosta had good cause for meeting the SOI commitment and is hereby excused from not meeting the CSBE goal on this project. The Notice of Intent to Violate is hereby closed.

Sincerely,

Alice Hidalgo-Gato, Director of Contract Monitoring and Compliance
Small Business Development, Business Affairs Division

c: Jorge I. Pulles, Vice President, Construct Group Corp.
Leo Salgueiro, Constr. Manager, PWWM
Bassam Moubayed, PWWM
Alejandro Martinez-Esteve, PWWM

Mario Goderich, Assistant Director, RER
Veronica Clark, Assistant to the Dir., SBD, RER
CMC NOIV File

Delivering Excellence Every Day



MIAMI DADE COUNTY
 Department of Small Business Development
 Firm History Report

From: 02/11/2008 To: 02/11/2013

FIRM NAME: ACOSTA TRACTORS INC
 11986 NW 97th Ave
 Hialeah Gardens, FL 33018-0000

PRIMES

PROJECT #	CONTRACT	DEPT	MEASURES	AWARD DATE	AWARD AMOUNT
20040365-1	1	PW	GOAL CSBE 18.23%	05/07/2008	\$1,585,762.04
JOINT PARTICIPATION AGREEMENT (JPA) FOR THE CITY OF DORAL AT NW 107TH AVENUE FROM NW 71ST STREET TO NW 74TH STREET (SIC 16)					
\$1,585,762.04					
20070735	1	PW	GOAL CSBE 15%	11/20/2008	\$1,202,229.21
SW 180TH STREET FROM 147 TO 137 AVENUE (SIC 16)					
Change Order # 1 MAY-04-10 60. days					
\$0.00					
\$1,202,229.21					
20070626	1	PW	GOAL CSBE 15%	01/22/2009	\$10,007,270.12
SW 157 AVENUE FROM SW 138 STREET TO SW 120 STREET (SIC 16)					
Change Order # 1 APR-03-12 145 days					
\$0.00					
\$10,007,270.12					
20060469	1	PW	GOAL CSBE 22%	08/30/2009	\$8,517,326.67
SW 62ND AVENUE FROM SW 24TH STREET TO NW 7TH STREET (SIC 16)					
\$8,517,326.67					
20110194	1	PW	GOAL CSBE 22.57%	11/09/2012	\$13,033,315.61
PTP ROADWAY IMPROVEMENTS NW 87 AVE FROM NW 154 ST TO NW 186 ST (SIC 16)					
\$13,033,315.61					

* Indicates closed or expired contracts
 Disclaimer: Payments shown may not reflect current information
 Monday, February 11, 2013



MIAMI DADE COUNTY
Department of Small Business Development
Firm History Report

FIRM NAME: ACOSTA TRACTORS INC

11986 NW 97th Ave
 Hialeah Gardens, FL 33018-0000

From: 02/11/2008 To: 02/11/2013

PRIMES

PROJECT	CONTRACT	DEPT	MEASURES	AWARD DATE	AWARD AMOUNT
Total Award Amount:					\$34,345,903.65
Total Change Orders Approved by BCC:					\$0.00
					\$34,345,903.65

* Indicates closed or expired contracts
 Disclaimer: Payments shown may not reflect current information
 Monday, February 11, 2013