OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Memorandum

MIAMI-DADE COUNTY

Date: December 16, 2014

Agenda Item No. 14(A)(3)

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Final Close-Out Change Order No. 4 to the Construction Contract between Miami-Dade County and Siltek Group, Inc. for the Gran Via Apartments Project - District 11 Preservation of Affordable Housing and Expansion of Home Ownership, ISD Project No: Z000107 GOB ESP; ISD Contract No: Z000107

Resolution No. R-1136-14

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize Final Close-Out Change Order No. 4 to the *Gran Via Apartments Project - District 11 Preservation of Affordable Housing and Expansion of Home Ownership* construction contract between Miami-Dade County and Siltek Group, Inc.

Gran Via Apartments (Project) is complete and residents have already moved in, but this Change Order addresses necessary fire safety and sewer requirements necessary for final permitting and the Certificate of Occupancy, which was issued on September 3, 2014. The changes required are for an additional 151 days, and $79,859 in new funding and $143,376 in available contingency allowance to address the following:

- Findings made during final fire inspections required additional fire-rated doors on the ground floor, the installation of fire-rated glass to upgrade window openings for bathrooms facing the external corridors, and modifications to the ventilation of various utilities spaces.
- Refurbishment of the existing manhole structures to conform with sewer permitting requirements.

The Project is included in the list of projects approved under the Economic Stimulus Program (ESP) and is not subject to Committee review.

Scope

The Project is located at 12700 SW 8 Street, Miami, Florida, in Commission District 11, which is represented by Commissioner Juan C. Zapata.

Fiscal Impact/Funding Source

This amendment will increase the current budget for the Project by $79,859, which will be covered by the Internal Services Department's internal services revenues. In addition to the $79,859, $143,376 will be transferred from the Project's dedicated contingency allowance for this change order. The total amount to meet the necessary fire safety and sewer requirements is $223,235.

The current overall project budget is $11,396,000, and the funding sources are the Building Better Communities General Obligation Bond Program, the Capital Outlay Reserve, and internal services fees.

Track Record/Monitor

Jesus Farinas, Construction Manager 2 in the Design and Construction Services Division of the Internal Services Department, is the Project Manager.

Background

The Project consists of a multi-story affordable residential and retail building. The residential component of the Project consists of 104 units, of which there are 12 one-bedroom units, 12 studio units, and 80 larger, one-bedroom units. The Project has been designed to achieve a minimum Silver rating under the Leadership in Energy and Environmental Design (LEED) certification. Management and operation of the Project has been awarded by the Public Housing and Community Development Department to a private building management company.

/

The following provides a summary of the prior change orders necessary for the completion of the Project:

- Change Order No. 1, for time only, was necessary to replenish 37 days of contingency time to cover delays in the work not attributable to the contractor (i.e., rain delays, changes in the work ordered by the County, and a discrepancy in the survey used for design).
- Change Order No. 2, for time only, was necessary to extend the contract for 145 days, which were required to address issues such as rain delays, a fire incident on the roof caused by lightning, a regulatory condition in the shower control valves of 24 units, and structural modifications to reinforce the elevated floor slabs.
- Change Order No. 3 increased the contract amount by $475,000 due to structural changes requested by the Engineer of Record and a partial replenishment of the original contingency allowance account.

Final Close-Out Change Order No. 4 is now required for a time extension of 151 days and an increase in the contract amount by $79,859 to address two (2) distinct issues:

1) On March 31, 2014, a final fire inspection report was received, which found three (3) non-compliant issues that required a substantial revision to the permitted construction documents and were followed by the corresponding corrective work. The non-compliant issues were related to improper fire rating of several doors, the insufficient fire rating of the bathroom windows in units facing the corridors, and the non-compliant ventilation openings for louvers at the corridors, none of which were identified during the permitting plans review process in 2012. Due to the extent of the required work, a total impact to the critical path of 137 days is required to investigate the appropriate solution to each instance of non-compliance, prepare the revised construction plans, submit revised plans to the Plans Inspection Center for review and approval, and have the corrective work done and inspected for final approval. Authorization is requested to transfer a balance of $143,376 available in the contract's dedicated allowance account that can only be used for permit fees. All necessary permits were obtained and paid for as required. The balance of this account is now required to fund expenditures other than permit fees, which requires specific approval by the Board.
2) Changes in the scope of the sewer work were necessary during the course of the project, which required substantial changes to refurbish the existing manhole structures in lieu of replacement. This created a new set of conditions that had to be addressed by revision to the permitted construction documents, delaying the overall completion of the activity by a total of 14 days. The delays were due to the revision and approval of plans, the additional required investigation of the field conditions, and the re-submission of the necessary construction documents for review and approval by the Water and Sewer Department. This is a non-compensable time-only extension.

This project is now complete. Residents have begun moving into the Project and a grand opening ribbon cutting ceremony was held on October 16, 2014. Approval of Final Close-Out Change Order No. 4 is necessary to compensate the general contractor for work completed in furtherance of opening this facility. In terms of construction costs, the Project will stand as one of the County's lowest cost-per-square-foot buildings ($103 per square foot).

Edward Marquez
Deputy Mayor

MEMORANDUM
(Revised)

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

DATE: December 16, 2014

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

SUBJECT: Agenda Item No. 14(A)(3)

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)(3)
12-16-14

RESOLUTION NO. R-1136-14

RESOLUTION APPROVING AND AUTHORIZING EXECUTION BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE OF FINAL CHANGE ORDER NO. 4 TO A CONSTRUCTION CONTRACT BETWEEN MIAMI-DADE COUNTY AND SILTEK GROUP, INC. FOR THE GRAN VIA APARTMENTS PROJECT - DISTRICT 11 PRESERVATION OF AFFORDABLE HOUSING AND EXPANSION OF HOME OWNERSHIP INCREASING THE CONTRACT AMOUNT BY $79,859.00 AND AUTHORIZING THE TRANSFER OF BALANCE OF THE $143,376.00 AVAILABLE IN CONTRACTOR'S DEDICATED CONTINGENCY ALLOWANCE

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 and authorizes the execution by the County Mayor or the County Mayor's designee of a Final Change Order No. 4 to a Construction Contract between Miami-Dade County and Siltek Group, Inc. for the Gran Via Apartments Project - District 11 Preservation of Affordable Housing and Expansion of Home Ownership, ISD Project No: Z000107 GOB ESP; ISD Contract No: Z000107, in substantially the form attached hereto and made a part hereof, increasing the contract amount by $79,859.00 and authorizing the transfer of the balance of $143,376.00 available in contractor's dedicated allowance for permit fees.

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

Rebeca Sosa, Chairwoman **aye**

Bruno A. Barreiro	**aye**	Esteban L. Bovo, Jr.	**absent**
Daniella Levine Cava	**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	**absent**

The Chairperson thereupon declared the resolution duly passed and adopted this 16th day of December, 2014. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the 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.

EWG

Eduardo W. Gonzalez

MIAMI-DADE COUNTY, FLORIDA

INTERNAL SERVICES DEPARTMENT

CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO: 4 **CONTRACT NO:** Z000107 **DATE:** 10/15/2014

PROJECT TITLE: District 11 Preservation of Affordable Housing and Expansion of Home Ownership (Gran Via Apartments)

TO CONTRACTOR: Siltek Group, Inc. 1232 N. University Drive Plantation, Florida 33322

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: The work authorized includes the resolution of two distinct issues:

1) Design omissions:
   a) Provide required fire rating and labeling for nine (9) doors at the ground floor as requested on the final fire inspection;
   b) Provide fire rated glass blocks to upgrade window openings for all of the bathrooms facing the corridors per final fire inspection; and
   c) Provide changes on the ventilation of various utilities spaces to comply with requirements by the County's Fire and Rescue Department (MDFR).

2) Changes requested by the Agency:
   a) Proceed with the refurbishing of the existing manholes for the sewer work in lieu of replacing them. The change in scope was requested by the County's Water and Sewer Department (WASD).

Monetary Justification: The total cost of the work described above amounts to $223,235. The work will be funded through additional dollars in the amount of $79,859 and by transferring a balance of $143,376 available in the contract's allowance account dedicated for permit fees. All necessary permits were obtained and paid for as required by applicable law, and as a result, utilizing this balance to fund expenditures other than permit fees requires specific approval by the Board.

Time Justification: This change order includes a time extension of 137 days to comply with the corrective work directed by the MDFR, and also 14 days to address the changes to the scope of work requested by WASD. The total, non-compensable, time extension is 151 days.

This change order 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	$9,866,765
COST OF CHANGES PREVIOUSLY ORDERED	$475,000
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE	$10,341,765
COST OF CHANGES WITH THIS DOCUMENT	$79,859
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE	$10,421,624
PERCENT INCREASE WITH THIS CHANGE	0.77%
TOTAL PERCENT INCREASE TO DATE	5.62%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	366 / 113 / 151
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	37 / 69 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE	736

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.

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.

Accepted By: Organization	Name	Title	Date
Siltek Group, Inc	ANA SILVEIRA-SIERRA	Pres. Contractor	10/27/14
Surety	Hartford Casualty Insurance Company Charles D. Nielson, Attorney In Fact	Surety	10/24/2014

Title	Name	Date
Approved By: **County Attorney** (for legal sufficiency)	EWM	12/4/14
Approved By: **County Mayor**		
Attested By: **Clerk of the Board**		

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

- [X] **Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- [X] **Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- [X] **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, Assistant Secretary

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.

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

CERTIFICATE

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 October 24, 2014 .

Signed and sealed at the City of Hartford.

Gary W. Stumper, Vice President