

Date: February 18, 2015

To: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor 

Subject: Change Order No. 1 to Miscellaneous Construction Contract, MCC-8-10, with Munilla Construction Management, LLC increasing the contract by \$30 million

Agenda Item No. 14(A)(1)

Resolution No. R-187-15

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) approve and authorize the attached Change Order No. 1 to the Miscellaneous Construction Contract, MCC-8-10, with Munilla Construction Management (MCM), LLC, increasing the contract by an amount not to exceed \$30 million. No Project Order shall be issued where the base award amount exceeds \$5,000,000.00 excluding allowance accounts, pre-construction fees and MCC-8 construction fees.

SCOPE

The impact of this item is countywide as it relates to all Miami-Dade Aviation Department (MDAD) facilities.

FISCAL IMPACT/FUNDING SOURCE

Change Order No. 1 increases the maximum contract amount by an amount not to exceed \$30 million to \$80,125,000.00. The projects performed under this contract will be funded primarily from MDAD proprietary funds (i.e., Revenue and Reserve Maintenance Funds), although some projects may qualify for bond funding.

DELEGATED AUTHORITY

The Mayor or Mayor's designee is authorized to execute the Change Order for and on behalf of Miami-Dade County and to exercise provisions contained therein.

TRACK RECORD/MONITOR

MCM has performed work for MDAD at an above satisfactory level as reported by MDAD project managers. A review of the Capital Improvements Information System (CIIS) shows a total of fourteen (14) evaluations posted with an average rating of 3.5 out of a possible 4.0. The project manager for this contract is MDAD Chief of Construction and Contracts Aida Bao-Garciga.

COMPLIANCE DATA

There is no history of violations for this firm in the County's Small Business Development database or MDAD Minority Affairs records.

BACKGROUND

Pursuant to R-1122-11, the Board awarded the MDAD Miscellaneous Construction Contract, MCC-8-10, to MCM. The contract provides for a licensed general contractor to subcontract projects on a competitive basis to allow MDAD to respond in a timely and efficient manner to demands for construction projects at its facilities. Projects include minor renovations, refurbishments, repairs, modifications, upgrades, installation of landscaping and related lighting, irrigation and maintenance work as well as various types of emergency and periodic maintenance for MDAD airport facilities.

Under the contract provisions, work orders are issued for each project, which generally range from \$10,000.00 to \$2,000,000.00. As MDAD identifies projects, the Department and its consultants develop the required construction documents and identify the funding source for bidding the job. Each project is reviewed for recommendation and establishment of appropriate contract measures. Construction documents, contract measures and all pertinent information are provided to the general contractor who competitively bids each project and awards the work to the subcontractor submitting the lowest "responsive and responsible" bid meeting all the work order requirements.

The general contractor attempts to maximize participation of Community Small Business Enterprise (CSBE) subcontractors certified by the Small Business Development (SBD) Department. Each work order describes the scope of work to be performed and includes the applicable CSBE contract measures for the project.

MCC-8-10 has a Small Business Enterprise measure of 18 percent on pre-construction services. MCM has achieved 16 percent Small Business Enterprise (Construction) participation to date. This percentage is expected to increase once outstanding projects are awarded upon approval of Change Order No. 1. The current participation of Small Business Enterprise (Construction) contractors is approximately 34 percent. This change order authorizes the issuance of a work order to the Small Business Enterprise (Construction) firm for supplemental pre-construction services and project management in an amount not to exceed \$617,000.00 to more accurately reflect the intent of the goal.

This construction contract has proven to be a successful and progressive approach that allows MDAD to respond quickly to the day-to-day need for construction projects and to provide work opportunities for CSBEs.

JUSTIFICATION

The MCC-8-10 contract has already committed to projects in excess of \$45 million, many of which have been awarded or are in the bidding process. The available contract allocation has been reduced to approximately \$3.82 million for bidding and award of additional projects.

It was necessary to use this contract to complete several unforeseen critical construction projects with crucial time constraints to support the development of the MIA North and South Terminals as well as the Miami Intermodal Center (MIC) and the Central Boulevard relocation. In total, nearly 30 percent of the original award amount has been committed to support these construction projects:

- FIS Station Interior Finish -- \$89,679.60
- FIS Security Doors Upgrade -- \$122,453.00
- NTD FIS Station Interior Finish -- \$868.16
- NTD Back-up A/C Units Installation -- \$66,059.80
- Central Boulevard Piers Grounding System Relocation -- \$17,363.20
- Central North Terminal Development (NTD) Market Place, Phases II and III -- \$3,170,291.45
- NTD Terminal Operations Supervisors Offices -- \$3,933.86
- NTD Ticket Counters Concourse Level -- \$4,678,417.65
- NTD FPL Vaults Fire Rated Damper -- \$116,706.71
- South Terminal 5th Floor Mechanical Room Exiting Modifications -- \$35,526.48
- NTD Baggage Handling System (BHS) Phase 3 Mechanical-Electrical -- \$4,762,925.30

This current contract is very cost effective. The increase of approximately 60 percent reflected on Change Order No. 1 will provide an additional \$30,000,000.00 to the initial contract for a total amount of \$80,125,000.00.

MDAD has identified additional projects essential to maintain and preserve MDAD facilities and/or relocate business partners. The purpose of the increase requested on Change Order No. 1 is to provide the contract capacity necessary to implement the work.

PROJECT NAME: Miscellaneous Construction Contract

PROJECT NO.: MCC-8-10

PROJECT LOCATION: Miami-Dade County Airports

COMPANY NAME/ADDRESS: Munilla Construction Management, LLC
6201 S.W. 70 Street, 2 Floor
Miami, Florida 33143

COMPANY PRINCIPALS: Jorge Munilla, President
Juan Munilla, Vice President
Fernando Munilla, Vice President

COMPANY QUALIFIER: Jorge Munilla

GENDER/ETHNICITY AND OWNERSHIP BREAKDOWN: Male Hispanic-100%

HOW LONG IN BUSINESS: 30 years

PREVIOUS AGREEMENTS WITH THE COUNTY WITHIN THE PAST FIVE (5) YEARS: According to the Firm History Report provided by SBD on February 28, 2014, the contractor has been awarded six (6) contracts in the amount of \$192,295,014.50 and an approved deductive change order of \$16,168,113.25 for a total of \$176,126,901.25.

TERM OF AGREEMENT: Four (4) years with one additional year to complete all authorized work initiated during the previous four year term of the contract

OPTION(S) TO RENEW: None

ORIGINAL AGREEMENT AMOUNT: \$50,125,000.00

RECOMMENDED MODIFICATION: Increase the agreement amount by an amount not to exceed \$30 million to \$80,125,000.00
Authorize the issuance of a work order for supplemental pre-construction services and project management to a CSBE firm in the not to exceed amount of \$617,000.00.
Limits future project orders to under \$5,000,000.00 excluding allowance accounts, pre-construction fees and MCC-8 construction fees.

CLASSIFICATION OF

CHANGE ORDER: County requested change

ADJUSTED AGREEMENT AMOUNT: \$80,125,000.00 (including Inspector General Account)

PERCENT CHANGE THIS MODIFICATION: 59.90%

CONTRACT MEASURES: Small Business Enterprise (Construction) goal 18% (Pre-Construction Services) \$32,036.00

CONTRACT MEASURES ACHIEVED TO DATE: MCO Construction and Services, Inc.
16% (\$28,080.00) Participation to date

CONTRACT MEASURES UPON APPROVAL OF THIS CHANGE ORDER: During the original agreement, there was a mistake made with the calculation of the goal percentage. The percentage should have been based upon the entire Project Management portion of the contract. However, it was based on the preconstruction work in the amount of \$177,980.00. In order to correct this miscalculation, this change order authorizes the issuance of a Work Order to MCO Construction and Services, Inc. for the entire Project Management participation as originally intended in an amount not to exceed 18% (\$617,000.00)

IPSIG/INSPECTOR GENERAL: Provisions included on contract documents

RESPONSIBLE WAGES: Yes

USING DEPARTMENT: Miami-Dade Aviation Department



Jack Osterholt, Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairman Jean Monestime
and Members, Board of County Commissioners

DATE: February 18, 2015

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

SUBJECT: Agenda Item No. 14(A) (1)

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

Agenda Item No. 14(A)(1)

Veto _____

2-18-15

Override _____

RESOLUTION NO. R-187-15

RESOLUTION AUTHORIZING EXECUTION OF CHANGE ORDER NO. 1 TO THE MISCELLANEOUS CONSTRUCTION CONTRACT ITB NO. MCC-8-10 WITH MUNILLA CONSTRUCTION MANAGEMENT, LLC, INCREASING THE MAXIMUM CONTRACT AMOUNT BY AN AMOUNT NOT TO EXCEED \$30,000,000.00, AUTHORIZING THE ISSUANCE OF A WORK ORDER TO A COMMUNITY SMALL BUSINESS ENTERPRISE FIRM IN THE NOT TO EXCEED AMOUNT OF \$617,000.00, AND LIMITING PROJECT ORDERS TO \$5,000,000.00 BASE AWARD AMOUNT; AND AUTHORIZING THE MAYOR OR MAYOR'S DESIGNEE TO EXECUTE THE CHANGE ORDER FOR AND ON BEHALF OF MIAMI-DADE COUNTY AND TO EXERCISE THE PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purpose 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 authorizes the execution of Change Order No. 1 to the Miscellaneous Construction Contract, ITB No. MCC-8-10 with Munilla Construction Management, LLC, increasing the contract by an amount not to exceed \$30,000,000.00, authorizing the issuance of a Work Order to a Community Small Business Enterprise firm for supplemental pre-construction services and project management in the not to exceed amount of \$617,000.00, and limiting project orders to \$5,000,000.00 base amount, excluding allowance accounts and certain fees, and authorizing the Mayor or Mayor's designee to execute the Change Order for and on behalf of Miami-Dade County and to exercise the provisions contained therein.

The foregoing resolution was offered by Commissioner **Barbara J. Jordan**

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:

Jean Monestime, Chairman		aye
Esteban L. Bovo, Jr., Vice Chairman		aye
Bruno A. Barreiro	aye	Daniella Levine Cava
Jose "Pepe" Diaz	aye	Audrey M. Edmonson
Sally A. Heyman	aye	Barbara J. Jordan
Dennis C. Moss	aye	Rebeca Sosa
Sen. Javier D. Souto	aye	Xavier L. Suarez
Juan C. Zapata	aye	

The Chairperson thereupon declared the resolution duly passed and adopted this 18th day of February, 2015. 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.

David M. Murray

**MIAMI - DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT**

CHANGE ORDER NO 1

PROJECT NO.: MCC-8-10

DATE: March 24, 2014

CONTRACT NAME: Miscellaneous Construction Contract (MCC)-8-10

TO CONTRACTOR: Munilla Construction Management (MCM), LLC.

YOU ARE HEREBY REQUESTED TO MAKE THE FOLLOWING CHANGES TO THE CURRENT CONTRACT, AND TO PERFORM THE WORK SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

ITEM NO.	DESCRIPTION	
1	Increase the maximum contract amount by \$30 million. The Contractor shall not be entitled to any money authorized under this Change document until Project Orders are fully executed and distributed by the Aviation Department (MDAD). This Change Order amount is a maximum and not a lump sum.	\$30,000,000.00
2	Authorize the issuance of a Work Order for supplemental pre-construction services and project management to a CSBE firm in the not to exceed amount of \$617,000.00. The prime contractor shall not be entitled to overhead, profit, construction fees or mark-ups on such Work Order.	
3	No Project Order shall be issued where the base award amount exceeds \$5,000,000 excluding allowance accounts, pre-construction fees and MCC-8 construction fees.	

JUSTIFICATION: The MCC-8-10 contract has already been committed to projects worth in excess of \$45 million. The available contract allocation has been reduced to approximately \$3.82 million for bidding and award of additional miscellaneous construction projects. Unfortunately, it was necessary to use the contract for several unforeseen construction projects with crucial time constraints and critical to support the development of the MIA North and South Terminals as well as the Miami Intermodal Center (MIC) and the Central Boulevard Relocation. In total, approximately 30% of the current award amount has been committed to support the referenced capital construction projects. At this time, the MDAD has identified additional projects essential to maintain and preserve our facilities, keep-up with routine business operations and/or to relocate our business partners with an estimated value of nearly \$30 million for possible bidding through the MCC-8-10 contract. This Change Order serves to provide the contract mechanism necessary to implement the work. However, none of the work is guaranteed nor authorized to proceed until fully executed Project Order(s) are issued by the Department.

SUMMARY OF CONTRACT AMOUNT

	ORIGINAL CONTRACT AMOUNT.....	\$50,125,000.00
REASON FOR CHANGE:	COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED.....	\$0.00
() Regulatory Change	ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER..	\$50,125,000.00
() Other Agency Requested Change	COST OF CONSTRUCTION CHANGES THIS ORDER.....	\$30,000,000.00
() Design Errors Change	ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER.	\$80,125,000.00
() Design Omission Change	PER CENT INCREASE, THIS CHANGE ORDER	59.90 %
() County Requested Change	TOTAL PER CENT INCREASE TO DATE	59.90 %
() Unforeseen or Unforeseeable Change	EXTENSION OF TIME ALLOWED BY THIS CHANGE <u>0</u> CALENDAR DAYS TO <u>Feb. 29, 2016</u> .	

CERTIFYING STATEMENT: *I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit competitive bidding.*

SIGNATURE CONSULTING ARCHITECT OR ENGINEER

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER

Aviation (MDAD) DEPARTMENT	Various FUNDS BUDGETED CODE	CERTIFIED BY
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ACCEPTED BY: _____ 1/7/15 APPROVED: _____
CONTRACTOR (MCM LLC)

RECOMMENDED: _____ 1/8/15
Mary G. Aceves, Attorney-in-Fact
SURETY

RECOMMENDED: PROJECT MANAGER CHIEF OF CONSTRUCTION & CONTRACT

APPROVED: HNTB (CONSULTING ENGINEER) MDAD MINORITY AFFAIRS

APPROVED: RECOMMENDED-DEPARTMENTAL DIRECTOR

By: _____ COUNTY MAYOR DATE _____

ATTEST: _____

By: _____ DEPUTY CLERK DATE _____

cc: MCM LLC, ISD Risk Management, Consulting Engineer (HNTB), Surety, MDAD Contracts Administration (Bldg 5A), MDAD Finance, MDAD Project Manager, MDAD Safety Insurance, MDAD Project Controls, MDAD Properties, Project File.



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 225989

Certificate No. 006170891

KNOW ALL MEN BY THESE PRESENTS: That Farmington Casualty Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company are corporations duly organized under the laws of the State of Connecticut, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc., is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Charles D. Nielson, Charles J. Nielson, Mary C. Aceves, David R. Hoover, Gicelle Pajon, Olga Iglesias, and Arthur Colley

of the City of Miami Lakes, State of Florida, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory 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, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 5th day of December, 2014.

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
St. Paul Fire and Marine Insurance Company
St. Paul Guardian Insurance Company

St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: [Signature]
Robert L. Raney, Senior Vice President

On this the 5th day of December, 2014, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal.
My Commission expires the 30th day of June, 2016.



[Signature]
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company 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 in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 8th day of January, 20 15.

Kevin E. Hughes
Kevin E. Hughes, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at www.travelersbond.com. Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.