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

Memorandum

MIAMI-DADE COUNTY

Date: December 15, 2015

Agenda Item No. 8(F)(1)

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Authorizing Change Order No. 1 to the Construction Contract between Miami-Dade County and Lynx Construction Management, LLC for the New Miami-Dade County Animal Services Shelter, ISD Project No. A05-ASD-01 GOB ESP; ISD Contract No. Z000108-C

Resolution No. R-1150-15

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize Change Order No. 1 to the construction contract between Miami-Dade County and Lynx Construction Management, LLC for the New Miami-Dade County Animal Services Shelter. This change order will address two (2) issues:

1) Replenish the contingency reserve back to its original allocated amount of $1,254,500 by increasing the construction contract from $14,252,660 to $15,507,160 to cover a number of unforeseen conditions encountered on the site during construction. This is an up-to amount that is required to complete the project and will be used as needed to address known and unknown conditions on the site. Additional information regarding the unforeseen conditions is provided below in the Background section.

2) Increase the contract time by 127 calendar days to March 13, 2016.

Per Resolution No. R-851-08, approved by the Board on July 17, 2008, this project was added to the County's Economic Stimulus Plan (ESP) approved projects list and does not require committee review.

Scope

Although the project is located within the boundaries of District 12, which is represented by Commissioner Jose "Pepe" Diaz, the impact of this project is countywide in nature.

Fiscal Impact/Funding Source

This Change Order No. 1 will increase the overall project budget from $28.961 million to $30.215 million for the Animal Services Shelter (Project #1998460) as shown in Volume 3, page 21, of the FY 2015-16 Proposed Budget and Multi-Year Capital Plan. The $1,254,500 being requested for Change Order No. 1 will be funded with future financing proceeds.

Track Record/Monitor

Jesus Farinas, Construction Manager 2 in the Design and Construction Services Division of the Internal Services Department, is managing this capital project on behalf of the Miami-Dade Animal Services Department.

Background

On August 28, 2014, the County approved this project (ISD Project No. Z000108 GOB ESP) for the construction of the new Miami-Dade County Animal Services Shelter with a very aggressive, 12 month schedule. This project involves extensive renovations required to retrofit an existing tile warehouse into

the new site for the Animal Services Shelter and multi-purpose facility. The shelter's principal use will be the protection and shelter of stray animals. In conjunction with numerous initiatives and County programs, the Animal Services Department provides pet adoption, medical, and counseling services to pet owners. To better care for the abandoned and stray pet population, the County is building this new facility that will provide best-practices in animal housing, care, and welfare. The new shelter will also provide a new public clinic, operating rooms, quarantine facilities, as well as an in-house clinic and operating room to address the new feline "Capture, Neuter and Release" County initiative.

Construction began on October 1, 2014 and, to date, the project has reached 85 percent completion. During the project's construction, numerous unforeseen conditions and regulatory changes have been encountered. In order to complete the project, the contingency allowance needs to be replenished to pay for additional work caused by unforeseen conditions, including but not limited to:

- Upon demolition, it was discovered that an area of the existing second floor was added after the building's original construction. This flooring was built with wood framing, without any reinforcements, and has caused the surrounding areas below to buckle under its weight. As a result, a number of areas require steel beam and additional concrete columns for reinforcement, including the second floor elevator lobby, the elevator shaft, and the front façade of the building.
- Additional micropiles were required for a number of areas below the foundation slab of the building in order to correct certain structural deficiencies;
- Removal and disposal of existing contaminated fill throughout the site;
- Additional limerock fill is needed to stabilize the site's foundation; multiple surveys found that the site has been sinking and stabilization is required to ensure the building and parking lot are operational in the long term.
- Relocation of a Water and Sewer Department vault box;
- Replacement of existing water meter line to allow for proper irrigation of the site; existing surveys showed the line was sufficiently sized but upon excavation the line was found to be too small in diameter to accommodate the amount of water required;
- Additional fire alarm devices required by the Fire Inspector;
- Additional concrete reinforcement is required at the top of the building façade, where as-built drawings showed a beam existed; upon demolition it was found that there was no existing beam which is required for support of the façade.

Separately, other areas of this project have a funding gap of $1.6 million for technology infrastructure ($1 million), the entrance canopy ($300,000) and additional design services ($300,000) which will also require funding from future financing. The $300,000 for additional design services is still under review and negotiation, and may require approval by the Board in the future to amend the existing design services contract for this project.

Approval of this change order is recommended in order to complete construction of the New Animal Services Shelter in March 2016. This project is in the best interest of our community and goes a long way toward improving our ability to protect and shelter our stray animals.

Alina Hudak
Deputy Mayor

MEMORANDUM

(Revised)

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

DATE: December 15, 2015

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(F)(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**

_____ **Statement of social equity 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. 8(F)(1)
12-15-15

RESOLUTION NO. R-1150-15

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT BETWEEN MIAMI-DADE COUNTY AND LYNX CONSTRUCTION MANAGEMENT, LLC FOR THE NEW MIAMI-DADE COUNTY ANIMAL SERVICES SHELTER, ISD PROJECT NO. A05-ASD-01 GOB ESP, ISD CONTRACT NO. Z000108-C, REPLENISHING THE CONTINGENCY ALLOWANCE IN THE AMOUNT OF $1,254,500.00 AND INCREASING THE CONTRACT TIME BY 127 CALENDAR DAYS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME

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 authorizes Change Order No. 1 to the construction contract between Miami-Dade County and Lynx Construction Management, LLC for the new Miami-Dade County Animal Services Shelter, ISD Project No: A05-ASD-01 GOB ESP, ISD Contract NO. Z000108-C, substantially in the form attached hereto and made a part hereof, replenishing the contingency allowance in the amount of $1,254,500.00 and increasing the contract time by 127 calendar days; and authorizes the County Mayor or the County Mayor's designee to execute the Change Order for and on behalf of Miami-Dade County.

The foregoing resolution was offered by Commissioner **José "Pepe" Diaz**, who moved its adoption. The motion was seconded by Commissioner **Rebeca Sosa** 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	**absent**	Daniella Levine Cava	**aye**
Jose "Pepe" Diaz	**aye**	Audrey M. Edmonson	**absent**
Sally A. Heyman	**absent**	Barbara J. Jordan	**aye**
Dennis C. Moss	**aye**	Rebeca Sosa	**aye**
Sen. Javier D. Souto	**aye**	Xavier L. Suarez	**aye**
Juan C. Zapata	**absent**		

The Chairperson thereupon declared the resolution duly passed and adopted this 15th day of December, 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. DF.

Daniel Frastai

MIAMI-DADE COUNTY, FLORIDA

INTERNAL SERVICES DEPARTMENT

CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO.: 1 **CONTRACT NO.:** Z000108-C **DATE:** 10/15/2015

PROJECT TITLE: New Miami-Dade County Animal Services Shelter

TO CONTRACTOR: Lynx Construction Management, LLC, 45 Almeria Avenue, Coral Gables, FL 33134

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: This change order will address two distinct issues: 1) it will replenish the contingency reserve back to 100 percent of its original allocated amount of $1,254,500 by increasing the construction contract amount from $14,252,660 to $15,507,160; and 2) it will increase the contract time by 127 calendar days, including a replenishment of the contingency time allowance back to its original allotted time of 37 calendar days. The replenishment of these contingency reserves constitutes acknowledgement by the County that additional unforeseen costs could be incurred to complete the project.

Monetary Justification: This change order will increase the overall budgeted project amount of $28.961 million for the Animal Services Shelter as shown in Volume 3, page 21, of the FY 2015-16 Business Plan, Adopted Budget, and Five-Year Financial Outlook (Project #1998460). The $1,254,500 being requested for Change Order No. 1 will be funded through future financing.

Time Justification: The original 37 days allotted in the original contingency time reserve have been depleted while addressing numerous unforeseen conditions discovered up to date on this project. As a result, and given the high probability of further unanticipated repairs, it is recommended that the original time contingency reserve be fully replenished at this time.

SUMMARY OF CONTRACT AMOUNT / TIME

ORIGINAL CONTRACT AMOUNT	$14,252,660.00
COST OF CHANGES PREVIOUSLY ORDERED	$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE	$14,252,660.00
COST OF CHANGES WITH THIS DOCUMENT	$1,254,500.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE	$15,507,160.00
PERCENT INCREASE WITH THIS CHANGE	9%
TOTAL PERCENT INCREASE TO DATE	9%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	365 / 0 / 90
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	37 / 0 / 37
ADJUSTED DURATION INCLUDING THIS CHANGE	529

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.

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.

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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:
Lynx Construction Management, LLC	Christopher Morin	General Contractor	10/15/15
Fidelity and Deposit Company of Maryland Surety	Brett Rosenhaus, Attorney in Fact	Surety	10/16/2015

Title	Name	Date:
Approved By: County Attorney (for legal sufficiency)		
Approved By: County Mayor		
Attested By: Clerk of the Board		

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the ZURICH AMERICAN INSURANCE COMPANY, a corporation of the State of New York, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, a corporation of the State of Maryland, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND a corporation of the State of Maryland (herein collectively called the "Companies"), by **MICHAEL BOND, Vice President,** in pursuance of authority granted by Article V, Section 8, of the By-Laws of said Companies, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute, and appoint **Brett ROSENHAUS, of Lake Worth, Florida,** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings,** and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Companies, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the ZURICH AMERICAN INSURANCE COMPANY at its office in New York, New York., the regularly elected officers of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at its office in Owings Mills, Maryland., and the regularly elected officers of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at its office in Owings Mills, Maryland., in their own proper persons.

The said Vice President does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article V, Section 8, of the By-Laws of said Companies, and is now in force.

IN WITNESS WHEREOF, the said Vice-President has hereunto subscribed his/her names and affixed the Corporate Seals of the said **ZURICH AMERICAN INSURANCE COMPANY, COLONIAL AMERICAN CASUALTY AND SURETY COMPANY,** and **FIDELITY AND DEPOSIT COMPANY OF MARYLAND,** this 31st day of August, A.D. 2015.

ATTEST:

ZURICH AMERICAN INSURANCE COMPANY
COLONIAL AMERICAN CASUALTY AND SURETY COMPANY
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By: _____
Secretary
Eric D. Barnes

_____
Vice President
Michael Bond

State of Maryland
County of Baltimore

On this 31st day of August, A.D. 2015, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, **MICHAEL BOND, Vice President, and ERIC D. BARNES, Secretary,** of the Companies, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and acknowledged the execution of same, and being by me duly sworn, deposeth and saith, that he/she is the said officer of the Company aforesaid, and that the seals affixed to the preceding instrument are the Corporate Seals of said Companies, and that the said Corporate Seals and the signature as such officer were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporations.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.

_____
Constance A. Dunn, Notary Public
My Commission Expires: July 9, 2019

POA-F 031-0022R

EXTRACT FROM BY-LAWS OF THE COMPANIES

"Article V, Section 8, Attorneys-in-Fact- The Chief Executive Officer, the President, or any Executive Vice President or Vice President may, by written instrument under the attested corporate seal, appoint attorneys-in-fact with authority to execute bonds, policies, recognizances, stipulations, undertakings, or other like instruments on behalf of the Company, and may authorize any officer or any such attorney-in-fact to affix the corporate seal thereto; and may with or without cause modify of revoke any such appointment or authority at any time."

CERTIFICATE

I, the undersigned, Vice President of the ZURICH AMERICAN INSURANCE COMPANY, the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY, and the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that Article V, Section 8, of the By-Laws of the Companies is still in force.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the ZURICH AMERICAN INSURANCE COMPANY at a meeting duly called and held on the 15th day of December 1998.

RESOLVED: "That the signature of the President or a Vice President and the attesting signature of a Secretary or an Assistant Secretary and the Seal of the Company may be affixed by facsimile on any Power of Attorney...Any such Power or any certificate thereof bearing such facsimile signature and seal shall be valid and binding on the Company."

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the COLONIAL AMERICAN CASUALTY AND SURETY COMPANY at a meeting duly called and held on the 5th day of May, 1994, and the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seals of the said Companies, this 14th day of October, 2015.

Thomas O. McClellan, Vice President

Memorandum

MIAMI-DADE COUNTY

Date: November 24, 2015

To: Tara Smith, Director
Internal Services Deparment

From: Gary T. Hartfield, Director
Small Business Development Division
Internal Services Department

Subject: Project No. Z000108-PG GOB ESP, Animal Services Multi-Purpose Facility

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The subject project was reviewed for compliance with the 29.89% Small Business Enterprise - Construction Services (SBE-Construction) goal and the Responsible Wages and Benefits requirements. This contract is approximately 65.67% complete, based on the paid to date to the prime, Lynx Construction Management, LLC (Lynx). To date, the SBE-Construction firms meeting the goal have been paid $1,778,176.95 or 19.00% of the dollars paid to the prime (64% of the required goal). The prime and subcontractors are in compliance with the wage requirements. The small business measure remains at 29.89%.

Please do not hesitate to contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153 if you need additional information.

c: Asael Marrero, Acting DCS Division Director, ISD
Humberto Contreras, Project Manager, ISD
Jesus Farinas, Construction Manager, ISD
Alice Hidalgo-Gato, SBD Section Chief, ISD

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