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

Memorandum

MIAMI-DADE COUNTY

Agenda Item No. 3(B)(3)

Date: March 8, 2016

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

From: Carlos A. Gimenez
Mayor

Subject: Resolution Ratifying the Action Related to Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance pursuant to Section 2-8.2.12 of the Miami-Dade County Code

Resolution No. R-181-16

Recommendation

It is recommended that the Board of County Commissioners (Board) ratify the action of the County Mayor or County Mayor's designee as authorized under Section 2-8.2.12 of the Miami-Dade County Code related to Miami-Dade Water and Sewer Department's Consent Decree and Capital Improvement Programs Acceleration Ordinance (WASD Acceleration Ordinance) for the funded project identified below and on Exhibit A, as attached.

Multi-Year Capital Plan Project

Item 1– Deductive Change Order No. One in the amount of $76,004.20 between Miami-Dade County Water and Sewer Department and Ric-Man Construction, Inc. for Design-Build Services for the Installation of Gravity Sewer Interceptors for the Proposed Master Pump Station No. 3; Contract No. 13RMCI002, Project No. DB13-WASD-01.

Scope

The Commission district of the project location is noted on Exhibit A. The capital projects awarded through WASD's Acceleration Ordinance have a countywide impact.

Fiscal Impact/Funding Source

This deductive change order reduced the value of Contract No. 13RMCI002 by $76,004.20.

Track Record/Monitoring

WASD's Deputy Director, Hardeep Anand, will oversee the implementation of Deductive Change Order No. One.

Background

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor or County Mayor's designee to award and amend contracts, and negotiate and issue change orders for funded capital projects and to accelerate the approval of WASD's: 1) Consent Decree projects, and 2) projects identified in WASD Multi-Year Capital Plan's Capital Improvements Program, subject to ratification by the Board.

This deductive change order reduced Contract No. 13RMCI002 by $76,004.20 because the installation method used to construct approximately 700 linear feet of 30-inch gravity sewer pipe was re-designed from the micro-tunneling method to the open cut method. The re-design was done at no additional cost or time to the County and resulted in a savings to the County of $76,004.20.

The Small Business Enterprise - Architectural and Engineering (SBE-A/E) participation goal of 17.5 percent and Small Business Enterprise - Construction (SBE – Construction) participation goal of 11.20

percent were established as a part of the original design-build contract. Ric-Man Construction, Inc. is in compliance with the 17.5 percent SBE-A/E participation goal; however, they are not in compliance with the 11.20 percent SBE-Construction goal. A copy of the SBE memorandum is attached.

Exhibit A includes the details of the deductive change order for which ratification is being requested and contains the information bulleted below:

- Item Number
- Department Name
- Type of Solicitation/Contract Type
- Contract No./Project No.
- Project Name
- Firm Awarded
- Commission District
- Change Order Amount/Change Order Time
- Original Contract Amount/Adjusted Contract Amount
- Funding Source(s)
- Operations and Maintenance Costs
- Estimated Start Date/Estimated End Date
- Contract Measures: SBE Goods & Services; SBE-A/E; SBE-Construction; and CWP Program
- Brief Project Description/Change Order Description

Exhibit B is the deductive change order identified in this memorandum that has been executed by the County Mayor or County Mayor's designee in accordance with WASD's Acceleration Ordinance. A copy of the original design-build contract is available upon request from the Department's Intergovernmental Affairs Division.

Attachments

Jack Osterholt, Deputy Mayor

Memorandum

MIAMI-DADE COUNTY

Date: January 29, 2016

To: Lester Sola, Director
Miami-Dade Water and Sewer Deparment

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

Subject: Project No. DB13-WASD-01, Design Build Services for Gravity Sewer Interception for Pump Station No.3

The subject project was reviewed for compliance with the 17.5% Small Business Enterprise – Architectural and Engineering (SBE-A/E) goal, the 11.20% Small Business Enterprise – Construction Services (SBE-Construction) goal, and the Responsible Wages and Benefits requirements. The prime, Ric-Man Construction, Inc., is in compliance with the SBE-A/E goal and has paid the firms meeting the goal a total of $272,271.76 equal to 25%. The prime and subcontractors are in compliance with wage requirements.

Ric-Man Construction, Inc. is not in compliance with the 11.20% SBE-Construction goal equal to $1,191,391.53. The goal was to be met by two (2) SBE-Construction firms. One (1) was not used and the other has been paid $427,315.14 to date. The resulting deficit will be calculated once final payment is issued. Ric-Man Construction, Inc. was issued a Notice of Intent to Violate on November 12, 2015 advising of the deficit and corresponding sanctions and penalties.

In response, Ric-Man Construction, Inc. proposed to identify available SBE-Construction firms to complete the remaining scopes of work on the this contract in order to reduce the deficit in SBE-Construction participation and corresponding monetary penalty payable to the County of 10% of the value of the deficit. Ric-Man Construction, Inc. does not have any other County contracts where the make-up of double the deficit can be achieved at this time, as such pursuant to the Code the submittal of a make-up plan must be submitted as part of any bid or proposal submitted for future contracts.

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

c: Doug Yoder, Deputy Director, WASD
Margaret Moss, Chief, Small Business Initiatives, WASD
Edith Brown, Acting Chief, Contract Compliance Division, WASD
Eduardo M. Luis, Engineer III, WASD
Patricia Hernandez, Legislative and Municipal Affairs Special Assistant, WASD
Patty Palomo, Chief of Intergovernmental Affairs, WASD
Alice Hidalgo-Gato, SBD Section Chief, ISD

Exhibit A

Ratification of Amendments/Change Orders Authorized by the WASD Accelerate Ordinance

Item Number	Dept. Name	Type of Solicitation / Contract Type	Contract No. / Project No.	Project Name	Firm Awarded	Commission District	Change Order Amount / Change Order Time	Original Contract Amount / Adjusted Contract Amount	Funding Source(s)	Operations and Maintenance Costs	Est. Start Date / Est. End Date	Contract Measures: SBE Goods & Services	Contract Measures: SBE A/E	Contract Measures: SBE Construction	Contract Measures: CWP Program	Brief Project Description / Change Order Description
1	WASD	County Bid Process; Design-Build Services	Contract No. 13RMCI002; Project No. DB13-WASD-01	Design-Build Services for the Installation of Gravity Sewer Interceptors for Master Pump Station No. 3	Ric-Man Construction Inc.	District 5 (Bruno A. Barreiro)	($76,004.20); No time extension	Original Contract Amount $13,731,360; Adjusted Contract Amount $13,637,356	N/A	N/A	Notice to Proceed Start Date: 03/01/2014 Completion Date: 05/31/2016	No scope of services	17.50%	11.2%	N/A	This project provides for the construction and installation of gravity sewer interceptors to connect to Master Pump Station No. 3 providing more sewer capacity in the Brickell Basin II Area. This deductive change order reduces Contract No. 13RMCI002 by $76,004.20 resulting from a re-design of the installation method used to construct approximately 700 linear feet of 30-inch gravity sewer pipe at a depth of 18 feet using the open cut method as opposed to the micro-tunneling method at no additional cost or time to the County.
					Total Dollar Value of Awards:			$13,637,356								

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DEDUCTIVE CHANGE ORDER NO. ONE
BETWEEN
MIAMI-DADE COUNTY WATER AND SEWER DEPARTMENT
AND
RIC-MAN CONSTRUCTION, INC.
CONTRACT NO. 13RMCI002

PROJECT TITLE: Design-Build Services for the Installation of Gravity Sewer Interceptors for the Proposed Master Pump Station No. 3; Contract No. 13RMCI002; Project No. DB13-WASD-01

TO CONTRACTOR: Ric-Man Construction, Inc.
1001 North America Way, Suite 201
Miami, FL 33132

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.

BACKGROUND/DESCRIPTION OF WORK:

On February 19, 2014, the Board of County Commissioners approved a Design-Build Contract No. 13RMCI002 via Resolution No. R-174-14 to Ric-Man Construction, Inc. for the installation of gravity sewer interceptors for Master Pump Station No. 3 with a total compensation amount of $13,713,360.00 for a contract term of 602 calendar days. The scope of construction services included providing all the materials, labor, and equipment as well as the management, supervision, quality control, cost and schedule controls, and safety services for the construction/installation of all tunneled piping including launch and retrieval shafts, manholes, junctions, ancillary piping, and tie-in connections to facilitate successful construction and commissioning of the new gravity sewer interceptors for Master Pump Station No. 3 located at the intersection of S.W. 3 Avenue and S.W. 11 Street in the City of Miami. The scope of engineering services included engineering, design, permitting, and inspection to support the construction, installation, testing and commissioning activities associated with the construction of new gravity sewer interceptors to Master Pump Station No. 3. which included the following project elements:

- Approximately 600 linear feet of 54-inch micro-tunneled gravity sewer along S.W. 11 Street from S.W. 2 Avenue to Master Pump Station No. 3. (Part of Alignment 1).
- Approximately 2400 linear feet of 48-inch micro-tunneled gravity sewer along S.W. 2 Avenue and S.W. 13 Street, from S.W. 11 Street to Brickell Avenue (Part of Alignment 1).
- Approximately 1400 linear feet of 36-inch micro-tunneled gravity sewer along S.W. 2 Avenue, from S.W. 7 Street to S.W. 11 Street (Alignment 2).
- Approximately 700 linear feet of 30-inch micro-tunneled gravity sewer along S.W. 8 Street, from S.W. 1 Avenue to S.W. 2 Avenue (Tunnel Drive No. 4 - Alignment 3).

While performing the preliminary underground investigation, the Ric-Man Construction, Inc. became aware of a possible conflict between the installation of the Tunnel Drive No. 4-Alighment 3 along S.W. 8 Street, east of S.W. 2 Avenue and an existing Florida Power and Light (FPL) high voltage duct bank. Exploratory excavation of the facility revealed that the proposed installation could not be accomplished using the micro-tunneling method of installation due to the bottom of the duct bank being deeper than anticipated resulting in a vertical clearance to the top of the proposed carrier pipe less than the required by industry standards. Since the FPL duct bank could not be relocated and in order not to delay the Project, Ric-Man Construction, Inc. proposed to re-design the installation of approximately 700 linear feet of 30-inch Hobas pipe gravity sewer main at a depth of over 18 feet using an open-cut method at no additional cost or time to the County.

As a result of the change of the method of installation of Tunnel Drive No. 4- Alignment 3, the following pay items were not utilized: constructing a launching shaft, set micro-tunneling boring machine and support equipment, performing micro-tunnel and grout annular space, and retrieving micro-tunneling boring machine. The total cost of the pay items not utilized due to the change in the method of installation amounted to $994,250.48.

Ric-Man Construction, Inc. completed the installation of the 30-inch gravity sewer pipe using the Open Cut method according to the redesign at a savings to the County of $76,004.20 and without exceeding the time and the terms of the Design-Build Contract.

This Deductive Change Order No. One 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 performed, delays, rescheduling, disruption, extended direct overhead or general overhead, acceleration, material or other escalation which include wages and other impact costs.

Ric-Man Construction, Inc. 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:	$13,713,360.00
COST OF CHANGES PREVIOUSLY ORDERED:	$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE:	$13,713,360.00
DEDUCTIVE COST OF CHANGES WITH THIS DOCUMENT:	$ 76,004.20
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE:	$13,637,356.00
TIME: ORIGINAL CONTRACT:	548
INCLUDING CONTINGENCY TIME:	54
ADJUSTED DURATION INCLUDING THIS CHANGE	0
TOTAL CONTRACT AMOUNT:	602

CERTIFYING STATEMENT: Ric-Man Construction, Inc. certifies that the changes and supporting cost data included is in its considered opinion necessary and accurate and that the prices quoted are fair and reasonable.

Accepted By:

Organization	Name	Title	Date
RIC MAN CONSTRUCTION, INC.		Contractor	10-22-15
Surety	Veronda D. Gordon, Attorney-in-Fact	Surety	10-23-15

Title	Name	Date
Approved By: **County Attorney** (for legal sufficiency)		11-2-15
Approved By: **County Mayor**		11-4-15
Attested By: **Clerk of the Board**		11-6-15

COUNTY COMMISSIONERS MIAMI-DADE COUNTY FLORIDA

MEMORANDUM

(Revised)

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

DATE: March 8, 2016

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 3(B)(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**

_____ **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. 3(B)(3)
3-8-16

RESOLUTION NO. R-181-16

RESOLUTION RATIFYING APPROVAL OF DEDUCTIVE CHANGE ORDER NO. ONE FOR DESIGN-BUILD SERVICES IN THE AMOUNT OF $76,004.20 TO RIC-MAN CONSTRUCTION, INC. FOR CONTRACT NO. 13RMCI002, PROJECT NO. DB13-WASD-01, FOR THE INSTALLATION OF GRAVITY SEWER INTERCEPTORS FOR PROPOSED MASTER PUMP STATION NO. 3 PURSUANT TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE, SECTION 2-8.2.12 OF THE COUNTY CODE

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 as authorized by Section 2-8.2.12 of the County Code, this Board ratifies Deductive Change Order No. One, attached to the accompanying memorandum as Exhibit B, in the amount of $76,004.20 to Ric-Man Construction, Inc. for Contract No. 13RMCI002, Project No. DB13-WASD-01, for the installation of gravity sewer interceptors for Proposed Master Pump Station No. 3. The original contract documents are on file with, and are available upon request from, the Intergovernmental Affairs Division of the Miami-Dade Water and Sewer Department.

The foregoing resolution was offered by Commissioner **Barbara J. Jordan**, who moved its adoption. The motion was seconded by Commissioner **Audrey M. Edmonson** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 8th day of March, 2016. 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.

Henry N. Gillman