

# Memorandum



**Date:** July 8, 2021

**To:** Honorable Chairperson Jose “Pepe” Diaz  
and Members, Board of County Commissioners

**From:** Daniella Levine Cava  
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

Agenda Item No. 8(O)(1)

## **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.

## **Capital Improvement Project**

Item 1 – Change Order No. 1 to Contract No. S-916 is for a 340-day non-compensable time extension between Miami-Dade County and Murphy Pipeline Contractors, Inc. for the rehabilitation of a 54-inch PCCP Force Main on West Flagler Street from SW 78 Place to Meter Station East of SW 72 Avenue.

## **Scope**

As shown on Exhibit A, which provides basic information about Change Order No. 1, the project is located within District 6, which is represented by Commissioner Rebeca Sosa.

## **Fiscal Impact/Funding Source**

There is no fiscal impact to the County. Change Order No. 1 provides for a non-compensable time extension of 340 days with no additional monies.

## **Delegation of Authority**

This Contract was awarded pursuant to Section 2-8.2.12 of the Miami-Dade County Code related to WASD’s Consent Decree and Capital Improvement Programs Acceleration Ordinance, which delegates authority to the County Mayor or County Mayor’s designee to award certain projects, and among other things, negotiate, and settle claims, and execute change orders that do not exceed ten percent (10%) of the base contract amount, subject to ratification by the Board

## **Track Record/Monitoring**

Miami-Dade Water and Sewer Department’s Deputy Director of Capital Improvements, Hardeep Anand, will oversee the implementation of Change Order No. 1 to Contract No. S-916.

## **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 Improvement Programs, subject to ratification by the Board.

After a competitive solicitation, the Contract was awarded to Murphy Pipeline Contractors, Inc. for the rehabilitation of a 54-inch PCCP Force Main on West Flagler Street from SW 78 Place to Meter Station East of SW 72 Ave. The total amount of the award was \$4,660,000.00 with a contract duration of 250 calendar days to Final Completion and a Contingency Time Allowance of 25 days.

The Notice to Proceed was September 3, 2019, establishing May 10, 2020 as the Contract's original Final Completion Date. During construction, Miami-Dade Water and Sewer Department (WASD) approved an extension of 25 days of non-compensable time for the contract, which revised the Final Completion date to June 4, 2020.

The rehabilitation of the force main was scheduled for the dry season of 2020 (January 1 – April 30). Due to delays in obtaining permits from Public Works, Regulatory and Economic Resources (RER) and the Florida Department of Transportation (FDOT), construction could not be performed during the 2020 dry season. The permitting process was complicated by the type of work being performed. This project is a trenchless rehabilitation with two bypass force mains being constructed about one mile from the main work. There were difficulties permitting the project at different locations. As a result, the Contractor had to secure multiple permits.

The permitting delays prevented work from being performed during the 2020 dry season, and the Contractor had to wait for the 2021 dry season to perform the work. Three hundred and sixty-five days are needed for the permit delays and the contractor to perform the work during the dry season. As stated before, WASD already approved 25 of the days through the Contract’s Contingency Time Allowance. The remaining 340 days will be approved through this Change Order. There are no costs associated with this delay.

Change Order No. 1 to the Contract provides for a non-compensable time extension of 340 days, which extends the Contract to May 10, 2021.

Although this Change Order No. 1 is needed in order to address the lengthy delay that resulted from the extended permit process and the 2020 wet season—delays which were not within the Contractor’s control—after this Change Order No. 1 was prepared and processed for this Board’s ratification, the Contractor made several attempts during the 2021 dry season to complete the scope of work under this Contract, which involved lining a 54-inch sewer force main located under Flagler Street, but was not able to complete the work, and a Notice of Termination was ultimately issued to the Contractor on April 30, 2021.

Due to the encroaching wet weather season and the criticality of the 54-inch force main, an Emergency Declaration was made on May 6, 2021; a new contractor was engaged to handle the emergency repair work; and the line was repaired and placed back into service by May 18, 2021.

Due to the problems the Contractor encountered completing the lining work required by the Contract during the 2021 dry season, upon termination of the Contract, WASD invoked the Performance Bond, and negotiations with the Surety to complete the contracted work during the 2022 dry season are in process.

**Small Business Enterprise Measures**

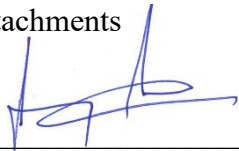
Honorable Chairman Jose “Pepe” Diaz  
and Members, Board of County Commissioners

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Change Order No. 1 was submitted to the Internal Services Department’s Small Business Development (SBD) Division for review for compliance with Resolution No. R-1001-15. SBD determined that this Contract does not have a Small Business Enterprise measure and, consequently, Resolution No. R-1001-15 does not apply. The Contract was reviewed for compliance with the Responsible Wages and Benefits requirements, and it was determined that Murphy Pipeline Contractors, Inc. is in compliance. See the SBD memorandum attached hereto as Exhibit B.

Exhibit C is the 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 construction contract is available upon request from the Intergovernmental Affairs Division of the Miami-Dade Water and Sewer Department.

Attachments



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Jimmy Morales  
Chief Operations Officer

# Exhibit A


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

No.	Type of Solicit.	Contract No.	Project Name	Firm Awarded	Comm. District	Change Order Amount	Original Contract Amount	Funding Source(s)	Est. Start Date	Contract Measures	Brief Project Description
	Contract Type	Project No.				Change Order Time	Adjusted Contract Amount		Est. End Date		Change Order Description
4	County Bid Process; Construction Contract		Rehabilitation of 54-inch PCCP Force Main on West Flagler Street from SW 78th Place to Meter Station East of SW 72nd Avenue	Murphy Pipeline Contractors, Inc.	District 6 (Rebeca Sosa)	\$0; 340-day non-compensable time extension	Original Contract Amount \$4,660,000.00; Adjusted Contract Amount \$4,660,000.00	Waste-water Renewal Fund	Notice to Proceed Start Date: 09/03/2019 Completion Date: 05/10/2021	SBE G/S - N/A SBE A/E - N/A SBE Const. - N/A CWP Prog. - N/A	The scope of work consists of the rehabilitation of the 54-inch PCCP Force Main on West Flagler Street from SW 78 Place to Meter Station East of SW 72 Avenue. *** This Change Order No. 1 provides for a non-compensable time extension of 340 days with no additional monies.
1											



**Date:** March 15, 2021

**To:** Joseenrique Cueto, P.E. Interim Director  
Miami-Dade Water and Sewer Department

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

**Subject:** Project No. S-916, Rehabilitation of 54-Inch PCCP Forcemain on West Flagler Street from SW 78 Place to Meter Station East of SW 72 Ave. Change Order No. 1

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Change Order No. 1 to Project No. S-916, Rehabilitation of 54-Inch PCCP Forcemain on West Flagler Street from SW 78 Place to Meter Station East of SW 72 Ave. was submitted to Small Business Development (SBD) for review for compliance with Resolution R-1001-15. This project does not have a Small Business Enterprise measure, and is for a time extension only, as such R-1001-15 does not apply.

The project was reviewed for compliance with the Responsible Wages and Benefits requirements, the prime, and its subcontractors are in compliance with the wage requirements. Please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153 if you need additional information.

- c: Alissa Penaloza, Deputy Director, WASD
- Hardeep Anand, Deputy Director, WASD
- Laura Verdaguer, Legislative and Municipal Affairs Manager, WASD
- Margaret Moss, Chief, Small Business Initiatives, WASD
- Edith Brown, Chief, Contract Compliance Division, WASD
- Daniel Edwards, Project Manager, WASD
- Alice Hidalgo-Gato, SBD Sections Chief, ISD





**Time Justification: (Continued)**

The Notice to Proceed was September 3, 2019, establishing May 10, 2020 as the Contract's original Final Completion Date. During construction, Miami-Dade Water and Sewer Department (WASD) approved 25 days of time revising the Final Completion date to June 4, 2020.

The rehabilitation of the force main was scheduled for the dry season of 2020 (January 1 – April 30). Due to delays in obtaining permits from Public Works, Regulatory and Economic Resources (RER) and the Florida Department of Transportation (FDOT), construction could not be performed during the 2020 dry season. The permitting process was complicated by the type of work being performed. This project is a trenchless rehabilitation with two bypass force mains being constructed about 1 mile from the main work. There were difficulties permitting the project at different locations. As a result, the Contractor had to secure multiple permits.

The permitting delays prevented work from being performed during the 2020 dry season, the Contractor had to wait for the 2021 dry season to perform the work. Three hundred and sixty-five days are needed for the permit delays and the contractor to perform the work during the dry season. As stated before, WASD already approved 25 of the days through the contract's Contingency Time Allowance. The remaining 340 days will be approved through this change order. There are no costs associated with this delay.

Change Order Number 1 to the contract provides for a non-compensable time extension of 340 days which extends the contract's Final Completion date to May 10, 2021.

This change order is revocable if not ratified by the Board of County Commissioners. In the event the Board of County Commissioners does not ratify this Change Order, the Contractor is not entitled to lost profits or other consequential or indirect damages; however, the Contractor is eligible for payment for any work done prior to failure of ratification.

**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.



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** July 8, 2021

**FROM:**   
Gen Bonzon-Keenan  
County Attorney

**SUBJECT:** Agenda Item No. 8(O)(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 present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ ) 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(O)(1)  
7-8-21

RESOLUTION NO. \_\_\_\_\_

RESOLUTION RATIFYING ACTION BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA SPECIFICALLY APPROVING CHANGE ORDER NO. 1 TO CONTRACT NO. S-916 BETWEEN MIAMI-DADE COUNTY AND MURPHY PIPELINE CONTRACTORS, INC. FOR A 340-DAY NON-COMPENSABLE TIME EXTENSION FOR THE REHABILITATION OF A 54-INCH PCCP FORCE MAIN ON WEST FLAGLER STREET FROM SW 78 PLACE TO METER STATION EAST OF SW 72 AVENUE

**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 ratifies the action of the County Mayor or County Mayor's designee, as authorized by section 2-8.2.12 of the Code of Miami-Dade County, specifically, to approve Change Order No. 1 to Contract No. S-916 between Miami-Dade County and Murphy Pipeline Contractors, Inc., which is attached to the accompanying memorandum as Exhibit C, for a 340-day non-compensable time extension for the rehabilitation of a 54-inch PCCP Force Main on West Flagler Street from SW 78 Place to Meter Station East of SW 72 Avenue. The original contract documents are kept 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 ,  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:

	Jose "Pepe" Diaz, Chairman
	Oliver G. Gilbert, III, Vice-Chairman
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 8<sup>th</sup> day of July, 2021. 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: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

SED

Sarah E. Davis