

# Memorandum



**Date:** October 5, 2021

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

Agenda Item No. 8(N)(10)

**From:** Daniella Levine Cava  
Mayor

**Subject:** Change Order No. 1 for the Project Titled Roadway Improvements to SW 328th Street from US-1 to SW 162nd Avenue Contract No. 20150169 – Contractor H & R Paving, Inc.

## Recommendation

The attached Change Order No. 1 for Contract between H & R Paving, Inc. and Miami-Dade County (County) has been prepared by the Department of Transportation and Public Works (DTPW) and is recommended for approval.

**Delegation of Authority:** In accordance with Section 2-8.3 of the Miami-Dade Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which includes authority for the Mayor and Mayor’s designee to execute this change order.

**CHANGE ORDER NUMBER:** 1

## Scope

### **PROJECT NAME:**

Roadway Improvements to SW 328th Street from US-1 to SW 162nd Avenue

**PROJECT NO:** 20150169

**CONTRACT NO:** 20150169

### **PROJECT DESCRIPTION:**

The work to be performed under this Contract consists of, but is not limited to furnishing all supervision, labor, required materials, tools, equipment and performing all operations necessary for roadway improvements along SW 328 Street, from US-1 to SW 162 Avenue.

The work consists of widening the existing roadway from two (2) to four (4) lanes with a raised median, sidewalks, curb and gutters, bicycle facilities, continuous storm drainage system, signalization, pavement markings and signage, and decorative lighting.

### **PROJECT LOCATION:**

SW 328 Street from US-1 to SW 162 Avenue

### **PRIMARY COMMISSION**

Honorable Chairman Jose "Pepe" Diaz  
 and Members, Board of County Commissioners  
 Page No. 2

**DISTRICT:** 9

**APPROVAL PATH:** Board of County Commissioners

**USING**

**DEPARTMENT:** Department of Transportation and Public Works

**MANAGING**

**DEPARTMENT:** Department of Transportation and Public Works

**Fiscal Impact/Funding Source**

**FUNDING**

<b>SOURCE(S):</b>	<b><u>SOURCE</u></b>	<b><u>PROGRAM</u></b>	<b><u>AMOUNT</u></b>
	RIF	2000000540	\$9,268,133.85

**CHANGE ORDER**

**FUNDING SOURCE:** N/A

**PTP FUNDING:** No

**GOB FUNDING:** No

**CAPITAL  
BUDGET**

<b>PROJECTS:</b>	<b><u>CAPITAL BUDGET PROGRAM # - DESCRIPTION</u></b>	<b><u>ESTIMATE</u></b>
	2000000540 - ROAD WIDENING - COUNTYWIDE PROJECT: 75653 - WIDEN SW 328 STREET FROM US-1 TO SW 162 AVENUE Funding Year: FY 2020-21 Adopted Budget and Multi-Year Capital Plan, Volume 2 – Transportation and Public Works	\$9,268,133.85

CAPITAL BUDGET PROGRAM TOTAL: \$9,268,133.85

**CHANGE ORDER  
DESCRIPTION:**

This Change Order extends the contract duration by 782 non-compensable calendar days which includes 60 days previously used under contingency time. The 782-day time extension is to be applied retroactively. The work was completed on March 14, 2021.

**MONETARY  
JUSTIFICATION:**

Not applicable. This change order does not increase the contract amount

**TIME  
JUSTIFICATION:**

This change order increases the contract time by 782 non compensable calendars days which includes 60 days previously authorized under

contingency time. A detailed justification for the delay can be found under Exhibit A.

	<u>Original Contract Values</u>	<u>Previous Adjustment to Values</u>	<u>This Change to Order Values</u>	<u>Current Totals</u>	<u>Total Paid</u>
<b>BASE:</b>	\$8,325,576.23	N/A	\$0.00	\$8,325,576.23	\$7,962,205.41
<b>CONTINGENCY:</b>	\$832,557.62	\$0.00	\$0.00	\$832,557.62	\$221,424.46
<b>DEDICATED:</b>	<u>\$110,000.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$110,000.00</u>	<u>\$128,009.72</u>
<b>TOTALS:</b>	\$9,268,133.85	\$0.00	\$0.00	\$9,268,133.85	\$8,311,639.59

	<u>Original Contract Duration</u>	<u>Previous Adjustments To Duration</u>	<u>Change Order Duration</u>	<u>Current Totals</u>
<b>BASE DURATION:</b>	600	0	722	1,322
<b>CONTINGENCY:</b>	<u>60</u>	<u>0</u>		<u>60</u>
<b>TOTAL DURATION:</b>	660	0	722	1,382

**INITIATING FACTORS FOR CHANGE ORDER**

<u>Reason</u>	<u>Cost</u>	<u>Duration</u>
Unforeseen Conditions	N/A	644
County Requested Change	<u>N/A</u>	<u>138</u>
Total	N/A	782

**Tack Record / Monitor**

**PERFORMANCE RECORD:** There are 223 evaluations on record in the Capital Improvement Information System (CIIS) with an average rating of 3.2 points out of a total of 4.0 possible points.

**PRIME**

**CONTRACTOR:** H & R Paving Inc.

**COMPANY PRINCIPAL:** Raul Gonzalez and Lucrecia Gonzalez

**COMPANY QUALIFIER:** Raul Gonzalez

Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners  
Page No. 4

**COMPANY EMAIL:**                   abe@hrpaving.com

**COMPANY ADDRESS:**               1955 NW 110 Avenue

**COMPANY CITY/STATE/ZIP:** Miami, Florida 33172

**YEARS IN BUSSINESS AT  
TIME OF AWARD:**                   44

**PREVIOUS CONTRACTS  
WITH COUNTY IN THE  
LAST THREE YEARS AT  
TIME OF AWARD:**               According to the Firm History Report as provided by the  
Internal Services Department, Small Business Development  
Division (SBD), the contractor has been awarded 25 contracts  
with Miami-Dade County as Prime and 8 contracts as  
Subcontractor.

**SUBCONTRACTORS AND  
SUPPLIERS (SECTION 10-34  
MIAMI-DADE COUNTY  
CODE):**                               AUM Construction, Inc., Highway Striping, Florida City  
Engineering Contractors, Inc., and A & B Pipe & Supply

**REVIEW  
COMMITTEE  
ASSIGNED  
CONTRACT**

<b>MEASURES:</b>	<b><u>TYPE</u></b>	<b><u>GOAL</u></b>	<b><u>COMMENT</u></b>
	SBE-Con	19.00%	
	SBE-G&S	4.00%	
	CWP	Not Applicable	

**PROJECT  
MANAGER:**                           Bassam Moubayed, (305) 375-2116 [MoubaB@miamidade.gov](mailto:MoubaB@miamidade.gov)



DEPARTMENT  
FINANCE:

*Pepe Diaz*

DTPW FINANCE OFFICER

Jul 6, 2021

DATE

ERP FUND CODES: CI006

KC

BUDGET <sup>ag</sup>  
APPROVAL  
FUNDS  
AVAILABLE:

*[Signature]*

OMB DIRECTOR

Jul 21, 2021

DATE

APPROVED AS  
LEGAL  
SUFFICIENCY:

*Bruce Lehman*

COUNTY ATTORNEY

Jul 22, 2021

DATE

APPROVED  
PURSUANT TO  
SECTION 2-8.1 OF  
THE MIAMI-DADE  
COUNTY CODE:

*[Signature]*

MAYOR / MAYOR'S DESIGNEE

Aug 3, 2021

DATE

CLERK:

DATE

**MIAMI-DADE COUNTY, FLORIDA**  
**DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS**  
**CHANGE ORDER TO ORIGINAL CONTRACT**



CHANGE ORDER NO: 1 CONTRACT NO: 20150169 DATE: 4/8/2021  
 PROJECT TITLE: Improvements to SW 328 Street from US-1 to SW 162 Avenue  
 TO CONTRACTOR: H & R Paving Inc. 1955 NW 110 Avenue Miami, Florida 33172

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 extends the contract duration by 782 non-compensable calendar days which includes 60 days previously used under contingency time.

**Monetary Justification:** Not applicable. This change order does not increase the contract amount

**Time Justification:** This change order increases the contract time by 782 non compensable calendars days which includes 60 days previously used under contingency time. The whole justification for the delay can be found under Exhibit A.

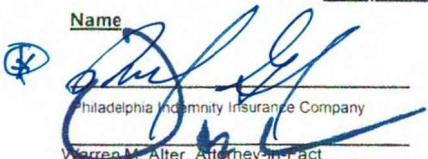
This change order includes not only all direct costs of contractor such as labor, material, job overhead, and profit markup; but also includes any costs for modifications or changes in sequence of work to be performed, delays, rescheduling, disruption, extended direct overhead or general overhead, acceleration, 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-----	\$9,268,133.85
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$9,268,133.85
COST OF CHANGES WITH THIS DOCUMENT-----	\$0.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$9,268,133.85
PERCENT INCREASE WITH THIS CHANGE-----	0%
TOTAL PERCENT INCREASE TO DATE-----	0%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	600 / 0 / 722
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	60 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	1382

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*

<u>Organization</u>	<u>Name</u>	<u>Accepted By:</u>	<u>Title</u> <i>President</i>	<u>Date</u> <i>5/10/2021</i>
<u>H &amp; R Paving Inc.</u>			<u>Contractor</u>	
<u>Surety</u>	Philadelphia Indemnity Insurance Company Warren M. Alter, Attorney-in-Fact		<u>Surety</u>	<u>4/9/2021</u>

<u>Title</u>	<u>Name</u>	<u>Date</u>
Approved By: <u>County Attorney</u> (for legal sufficiency)	_____	_____
Approved By: <u>County Mayor</u>	_____	_____
Attested By: <u>Clerk of the Board</u>	_____	_____

**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.

## Exhibit A to Change Order No. 1 for Project 20150169

### Delay Details

#### I.) Delays on North Side along SW 328 Street

- 1) Utility Conflicts: Due to relocation /removal of the existing AT&T, Comcast and FPL overhead facilities and Hurricane IRMA, the start date of the project was delayed from 6/1/2017 to 10/23/2017.  
144 Calendar days have been granted.
- 2) Plan Revision No 1: Due to additional work shown in plan revision#1, the completion date of the project was delayed by 32 days.
- 3) NAM For Installation of 42" Culvert and End Wall: The existing end wall and pipe culverts varied from the shown in the plans. The completion date of the project was impacted by 23 calendar days.
- 4) Comcast Pole at the Gas Station: The removal pole is contingent upon the relocation of the transformer and must be performed by city of Homestead and disconnect switch for us-1 / SW 328 street traffic signal to be performed by the County Contractor. In order to relocate the transformer and disconnect switch, the gas station owner has to remove the foundation of a sign. In order to remove the foundation, the sign has to be relocated. The work was completed by gas station owner in Sept 2019 and Comcast and City of Homestead completed the work in Feb 2020.  
10 Calendar days have been granted.
- 5) Weather Delays: Due to additional anticipated weather delays, contractor was granted 13 additional calendar days.
- 6) Abandoning of Water Main Between US-1/SW172 Ave: Due to existing shallow asbestos watermain belonging to City of Homestead, the earthwork could not be performed. The utility owner was contacted, and water main was abandoned. The work in this area was stopped from 4/03/2018 to 7/17/2018.  
105 Calendar days have been granted.
- 7) Manhole/Sewer pipe in front of the sewer plant: There was a manhole that needed to be adjusted to propose grade by City of Homestead and shallow line had to be adjusted to meet the minimum requirements. City of Homestead was notified on 9/11/2018 and the work was completed on 10/11/2018.  
30 calendar days have been granted.
- 8) Conduits Conflict with Subgrade between SE 14 Ave and Sta. 1051+50: There were 2 shallow conduits that were not identified on the plans. City of Homestead was notified, and their contractor lowered conduits between sta. 1055+00 and 1046+00 on the days between 6/27/2018 to 7/20/2018; between 1055+00 and SE 14 Ave, between 10/10/2018 to 11/5/2018.  
24 calendar days have been granted.
- 9) Directive provided by County to the Contractor to stop work in the ditch between SW 167 Ave and SW 172 Ave due to relocation of turtles. The work in this area was stopped for 3 weeks in May,2018.  
21 calendar days have granted.
- 10) Sewer Plant Expansion by City of Homestead: Late completion of City's sewer plant required Miami Dade County contractor to stop work in certain areas in front of the sewer plant. The City informed County staff the work would be delayed. Work was completed by the City early on 2019.

## Exhibit A to Change Order No. 1 for Project 20150169

9 Calendar days have been granted.

### II.) South Side

- 11) AT&T and Comcast Utilities Between Audubon Drive and Hummingbird Drive: Due to shallow underground facilities, the earthwork between Audubon and 162 Ave was stopped between end of June 2019 to Jan 2020.  
230 calendar days have been granted.
- 12) Work in SFWMD Canal: Due to existing field conditions, the plans had to be revised and submitted to SFWM for their review. The redesign and review process delayed the start date in the canal and required for permit extension. This delayed the contract by 13 calendar days, granted to contractor.
- 13) Utility adjustments at SW 172 Ave: The work couldn't be completed in the intersection without lowering the valves, which delayed the completion date in the intersection by 17 calendar days, granted to the contractor.
- 14) Traffic Controller Cabinet: Due to change in the requirements of the controller assembly at the intersection of US-1 /SW 328 Street from model 170 to 2040 contractor was granted 90 days to procure and upgrade the controller assembly.
- 15) Due to Corona virus Pandemic: Contractor has been granted 21 calendar days.



PHILADELPHIA INDEMNITY INSURANCE COMPANY

One Bala Plaza, Suite 100  
Bala Cynwyd, PA 19004-0950

Power of Attorney

KNOW ALL PERSONS BY THESE PRESENTS That PHILADELPHIA INDEMNITY INSURANCE COMPANY (the Company), a corporation organized and existing under the laws of the Commonwealth of Pennsylvania, does hereby constitute and appoint David T. Satine, Warren M. Alter and Jonathan A. Bursevich of Alter Surety Group, Inc., its true and lawful Attorney-in-fact with full authority to execute on its behalf bonds, undertakings, recognizances and other contracts of indemnity and writings obligatory in the nature thereof, issued in the course of its business and to bind the Company thereby, in an amount not to exceed \$50,000,000.

This Power of Attorney is granted and is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of PHILADELPHIA INDEMNITY INSURANCE COMPANY on the 14<sup>th</sup> of November, 2016.

**RESOLVED:** That the Board of Directors hereby authorizes the President or any Vice President of the Company: (1) Appoint Attorney(s) in Fact and authorize the Attorney(s) in Fact to execute on behalf of the Company bonds and undertakings, contracts of indemnity and other writings obligatory in the nature thereof and to attach the seal of the Company thereto; and (2) to remove, at any time, any such Attorney-in-Fact and revoke the authority given. And, be it

**FURTHER RESOLVED:** That the signatures of such officers and the seal of the Company may be affixed to any such Power of Attorney or certificate relating thereto by facsimile, and any such Power of Attorney so executed and certified by facsimile signatures and facsimile seal shall be valid and binding upon the Company in the future with respect to any bond or undertaking to which it is attached.

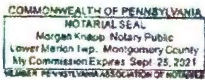
IN TESTIMONY WHEREOF, PHILADELPHIA INDEMNITY INSURANCE COMPANY HAS CAUSED THIS INSTRUMENT TO BE SIGNED AND ITS CORPORATE SEAL TO BE AFFIXED BY ITS AUTHORIZED OFFICE THIS 27<sup>TH</sup> DAY OF OCTOBER, 2017.



(Seal)

Robert D. O'Leary Jr., President & CEO  
Philadelphia Indemnity Insurance Company

On this 27<sup>th</sup> day of October, 2017, before me came the individual who executed the preceding instrument, to me personally known, and being by me duly sworn said that he is the therein described and authorized officer of the PHILADELPHIA INDEMNITY INSURANCE COMPANY; that the seal affixed to said instrument is the Corporate seal of said Company; that the said Corporate Seal and his signature were duly affixed



(Notary Seal)

Notary Public:

residing at:

Bala Cynwyd, PA

My commission expires:

September 25, 2021

I, Edward Sayago, Corporate Secretary of PHILADELPHIA INDEMNITY INSURANCE COMPANY, do hereby certify that the foregoing resolution of the Board of Directors and the Power of Attorney issued pursuant thereto on the 27<sup>th</sup> day of October, 2017 are true and correct and are still in full force and effect. I do further certify that Robert D. O'Leary Jr., who executed the Power of Attorney as President, was on the date of execution of the attached Power of Attorney the duly elected President of PHILADELPHIA INDEMNITY INSURANCE COMPANY.

In Testimony Whereof I have subscribed my name and affixed the facsimile seal of each Company this 9<sup>th</sup> day of April, 2021.



Edward Sayago, Corporate Secretary  
PHILADELPHIA INDEMNITY INSURANCE COMPANY



# PHILADELPHIA INSURANCE COMPANIES

A Member of the Tokio Marine Group

One Bala Plaza, Suite 100, Bala Cynwyd, Pennsylvania 19004  
610.617.7900 • Fax 610.617.7940 • PHL.Y.com

## SURETY BOND SEAL ADDENDUM *PHILADELPHIA INDEMNITY INSURANCE COMPANY*

As part of its business continuity efforts during the pendency of the COVID-19 pandemic, Philadelphia Indemnity Insurance Company ("PIIC") has temporarily authorized its Attorneys-in-Fact to affix PIIC's corporate seal in a digital format in lieu of its traditional raised seal to any bond issued on its behalf by any such Attorney-in-Fact.

PIIC agrees and affirms that the digital corporate seal found herein is deemed affixed to the bond and the Power of Attorney with the same effect as if its raised corporate seal had been affixed to the bond itself.

Effective this 20<sup>TH</sup> day of March, 2020.

Philadelphia Indemnity Insurance Company



By:   
Michael Cundiff, Senior Vice President



**MEMORANDUM**  
(Revised)

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

**DATE:** October 5, 2021

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

**SUBJECT:** Agenda Item No. 8(N)(10)

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(N)(10)  
10-5-21

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

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 1 BETWEEN MIAMI-DADE COUNTY AND H & R PAVING, INC. FOR THE PROJECT TITLED ROADWAY IMPROVEMENTS TO SW 328TH STREET FROM US-1 TO SW 162ND AVENUE (20150169), EXTENDING THE CONTRACT DURATION BY 782 NON-COMPENSABLE CALENDAR DAYS WHICH INCLUDES 60 DAYS PREVIOUSLY AUTHORIZED UNDER CONTINGENCY TIME

**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 the County Mayor or County Mayor's designee to execute Change Order No. 1 between Miami-Dade County and H & R Paving, Inc. for the project titled Roadway Improvements to SW 328th Street from US-1 to SW 162nd Avenue (20150169), extending the contract duration by 782 non-compensable calendar days which includes 60 days previously used under contingency time.

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

Sally A. Heyman

Eileen Higgins

Kionne L. McGhee

Raquel A. Regalado

Sen. Javier D. Souto

Keon Hardemon

Danielle Cohen Higgins

Joe A. Martinez

Jean Monestime

Rebeca Sosa

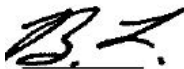
The Chairperson thereupon declared this resolution duly passed and adopted this 5<sup>th</sup> day of October, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon 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.



Bruce Libhaber