

Memorandum



Date: December 12, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

Agenda Item No. 8(N)(4)

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Change Order No. 1 for the Roadway Improvements Project to NW 97 Avenue from NW 58 Street to NW 70 Street, DTPW Contract No. 20200117

Executive Summary

This agenda item requests approval by the County Commission of a non-compensatory Change Order under the construction contract with Horizon Contractors, Inc. for roadway improvements in District 12. The 133-day extension under this first Change Order is due to delays by third parties in the relocation of conflicting utilities (83 calendar days) and by the closure of NW 97 Ave from NW 66 ST to NW 70 ST by the Miami-Dade County Fire Department because of a fire at a Solid Waste facility (50 calendar days). There is no fiscal impact associated with Change Order No. 1 as it is for a time extension only.

The original award was approved by the County Commission pursuant to Resolution No. R-439-21 on May 4, 2021, for \$4,960,268.70 to widen the existing roadway from two to four lanes plus storm drainage, signage and sidewalks. The adjusted contract duration with this change order is 793 calendar days (600 original days, 133 days under this time extension and 60 days of contingency time).

Recommendation

It is recommended that the Board of County Commissioners (Board) approve Change Order No. 1 for *Contract No. 20200117* with Horizon Contractors Inc., extending the contract by 133 non-compensable calendar days due to third-party delays. This change order incorporates necessary items to ensure the project's successful execution. As the final contract amount is projected to be lower than the planned quantities, no extra funds are required.

PROJECT NAME: Roadway Improvements to NW 97 Avenue from NW 58 Street to NW 70 Street

PROJECT NO: 20200117

CONTRACT NO: 20200117

CONTRACT

DESCRIPTION: Work for this project includes, but is not limited to, furnishing all labor supervision, materials, equipment and tools as well as performing all operations necessary to complete construction. The project consists of

widening the existing roadway from a two to four-lane divided roadway. Work also includes, but is not limited to, sidewalks, curbs and gutters, bike lanes, continuous storm drainage system, pavement markings and signage, signalization, lighting, and landscaping.

CONTRACT

DURATION: The total contract duration is 600 calendar days with a contingency time of 60 days.

Delegation of Authority

In accordance with Section 2-8.3 of the County Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the original resolution, which includes authority for the County Mayor or County Mayor’s designee to execute this change order.

PTP FUNDING: No

GOB FUNDING: No

CAPITAL BUDGET PROJECT No. – DESCRIPTION	AWARD
2000000540 – ROAD WIDENING – COUNTYWIDE Funding Years: FY 2023 – 24 Proposed Budget and Multi-Year Capital Plan Volume 2 – Transportation and Public Works	\$4,960,268.70
CAPITAL BUDGET PROJECT TOTAL:	\$4,960,268.70

PROJECT SITES: SITE # LOCATION	DIST	AMOUNT
77530-NW 97 Avenue from NW 58 Street to NW 70 Street	-12	\$4,960,268.70

Fiscal Impact/Funding Source

There is no fiscal impact associated with Change Order No. 1 as it is for a time extension only.

Track Record/Monitor

Leo Salgueiro, DTPW Infrastructure Manager, is responsible for monitoring this project. There are a total of seven evaluations on record for this contractor in the Capital Improvement Information System with an average rating of 3.2 points out of a total of 4.0 possible points. This project has an interim evaluation of 3.8 and has a 15% SBE Constriction goal and a 1.62% SBE-Service goal of which 2.06% has been achieved as of August 9, 2023. The project is 82% completed with payments to contractor up to \$3,933,902.84 as of August 10, 2023.

Background

The existing segment of NW 97 Avenue consists of two lanes with a striped center turning lane. Currently, the roadway has no sidewalk, curb and gutter, or bicycle facilities. Drainage improvements and new roadway lighting are also required along the corridor.

Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners
Page No. 3

The segment of NW 97 Avenue from NW 70 Street to NW 74 Street has four lanes with raised median, sidewalks, curb and gutters, bike lanes, continuous storm drainage system, pavement markings and signage, and roadway lighting; this project will complete the corridor from NW 58 Street to NW 74 Street.



Jimmy Morales
Chief Operations Officer



MEMORANDUM
(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(4)

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)(4)
12-12-23

RESOLUTION NO. _____

RESOLUTION APPROVING CHANGE ORDER NO. 1 BETWEEN HORIZON CONTRACTORS, INC. AND MIAMI-DADE COUNTY FOR PROJECT TITLED ROADWAY IMPROVEMENTS TO NW 97 AVENUE FROM NW 58 STREET TO NW 70 STREET, DTPW CONTRACT NO. 20200117, TO EXTEND THE CONTRACT DURATION BY 133 NON-COMPENSABLE CALENDAR DAYS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

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 (1) approves Change Order No. 1 between Horizon Contractors, Inc. and Miami-Dade County for the project titled Roadway Improvements to NW 97 Avenue from NW 58 street to NW 70 Street, Contract No. 20200117, to extend the contract duration by 133 non-compensable calendar days; and (2) authorizes the County Mayor or County Mayor's designee to execute same and exercise the provisions contained therein.

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:

Oliver G. Gilbert, III, Chairman

Anthony Rodríguez, Vice Chairman

Marleine Bastien

Kevin Marino Cabrera

Roberto J. Gonzalez

Danielle Cohen Higgins

Kionne L. McGhee

Micky Steinberg

Juan Carlos Bermudez

Sen. René García

Keon Hardemon

Eileen Higgins

Raquel A. Regalado

The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Bruce Libhaber

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



CHANGE ORDER NO: 1 CONTRACT NO: 20200117 DATE: 5/8/2023
 PROJECT TITLE: Roadway Improvements to NW 97 Avenue from NW 58 Street to NW 70 Street
 TO CONTRACTOR: HORIZON CONTRACTORS INC 8175 W 2 Avenue, Suite 2 Hialeah, Florida 33018

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 increases the contract time by 133 non-compensable calendar days.
Monetary Justification: This Change Order does not increase the contract amount.
Time Justification: The 133 non-compensable calendar extension is due to delays by third parties in the relocation of conflicting utilities (83 calendar days) and by the closure of NW 97 Ave from NW 66 St to NW 70 ST by the Miami Dade Fire Department due to a fire at the Solid Waste facility (50 calendar days). Additionally, this change order incorporates necessary items to ensure the project's success (Continued below)

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-----	\$4,960,268.70
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$4,960,268.70
COST OF CHANGES WITH THIS DOCUMENT-----	\$0.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$4,960,268.70
PERCENT INCREASE WITH THIS CHANGE-----	0%
TOTAL PERCENT INCREASE TO DATE-----	0%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	600 / 0 / 133
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	60 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	793

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>	<u>Date</u>
HORIZON CONTRACTORS INC	<i>[Signature]</i>	<i>[Signature]</i>	PRESIDENT Contractor	10/06/23
<u>Surety</u>	<i>[Signature]</i>		<u>Surety</u>	10/06/2023



<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: (Continued)

ful execution. These items are detailed in Exhibit A of this document. However, as the final contract amount is projected to be lower than the planned quantities, no extra funds will be required.

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.

POWER OF ATTORNEY
BERKLEY INSURANCE COMPANY
WILMINGTON, DELAWARE

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: *Ramon A. Rodriguez or Fausto Alvarez of Brown & Brown, Inc. of Doral, FL* its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed Fifty Million and 00/100 U.S. Dollars (U.S.\$50,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 18th day of September, 2023.



Attest:
By Ira S. Lederman
Executive Vice President & Secretary

Berkley Insurance Company
By Jeffrey M. Hafter
Senior Vice President

STATE OF CONNECTICUT)
) ss:
COUNTY OF FAIRFIELD)

Sworn to before me, a Notary Public in the State of Connecticut, this 28th day of May, 2022, by Ira S. Lederman and Jeffrey M. Hafter who are sworn to me to be the Executive Vice President and Secretary, and the Senior Vice President, respectively, of Berkley Insurance Company.

MARIA CRUMBAKEN
NOTARY PUBLIC
CONNECTICUT
MY COMMISSION EXPIRES
APRIL 30, 2024

Maria C. Crumbaker
Notary Public, State of Connecticut

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney, that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.



under my hand and seal of the Company, this 5th day of October, 2023.
Vincent P. Forte
Vincent P. Forte