OFFICIAL FILE COPY
CLERK OF THE BOARD
OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(A)(1)(A)

01-25-07

RESOLUTION NO. R-18-07

RESOLUTION APPROVING RETROACTIVE FINAL CHANGE ORDER NO. 2 TO THE CONTRACT BETWEEN TGSV ENTERPRISES, INC. AND MIAMI-DADE COUNTY, FOR MIA CONCOURSE H GLAZING REPLACEMENT PROJECT, PROJECT NO. F172A, AT MIAMI INTERNATIONAL AIRPORT, WHICH INCREASES CONTRACT AMOUNT BY $38,277.00

WHEREAS, the 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, this Board approves the Retroactive Final Change Order No. 2 to the Contract between TGSV Enterprises, Inc. and Miami-Dade County, for MIA Concourse H Glazing Replacement Project at Miami International Airport, Project No. F172A, which final change order increases the contract amount by $38,277.00, all in substantially the form attached hereto, and all as more particularly set forth in the attached memorandum from the County Manager.

The foregoing resolution was offered by Commissioner Rebeca Sosa, who moved its adoption. The motion was seconded by Commissioner Joe A. Martinez and upon being put to a vote, the vote was as follows:

Bruno A. Barreiro, Chairman	absent		
Barbara J. Jordan, Vice-Chairwoman	aye		
Jose "Pepe" Diaz	aye	Audrey M. Edmonson	aye
Carlos A. Gimenez	aye	Sally A. Heyman	aye
Joe A. Martinez	aye	Dennis C. Moss	aye
Dorrin D. Rolle	aye	Natacha Seijas	absent
Katy Sorenson	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	absent		

The Chairperson thereupon declared the resolution duly passed and adopted this 25th day of January, 2007. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: KAY SULLIVAN
Deputy Clerk

Approved by County Attorney as to form and legal sufficiency. DBM

Deborah Bovarnick Mastin

Memorandum

MIAMI-DADE COUNTY

Date: January 25, 2007

To: Honorable Chairman Bruno A. Barreiro
and Members, Board of County Commissioners

Agenda Item No. 8(A)(1)(A)

From: George M. Burgess
County Manager

Subject: Final Change Order No. 2, MIA Cc. H Glazing Replacement Project
MDAD Project No. F172A which increases the Contract Amount by $38,277.00

The attached Retroactive Final Change Order No.2 to the contract between TGSV Enterprise, Inc. and Miami-Dade County has been prepared by the Miami-Dade Aviation Department (MDAD), and is recommended for approval.

CHANGE ORDER NO.:	Two (Final - Close-out)
PROJECT:	MIA Cc. H Glazing Replacement
PROJECT NO.:	F172A
PROJECT LOCATION	Miami International Airport
PROJECT DESCRIPTION:	The project consists of the replacement of the existing glass panels and the reinforcement of the supporting frames in Concourse H to provide a one (1) hour fire rated, UL listed, glazing assembly that also meets the wind load requirements of the South Florida Building Code. The new glazing will provide protection to the building's occupants from heat and flames generated by potential fires on the aircraft apron within one hundred (100) feet of the glass panels.
PRIME CONTRACTOR:	TGSV Enterprises, Inc.
COMPANY PRINCIPALS:	Jesus M. Gomez, President Roy Rodriquez, Vice President Gerald M. Vitale, Vice President Mary V. Tatum, Secretary
GENDER AND ETHNICITY OF PRINCIPALS:	Hispanic male, White Male and White Female
CRETIFIED AS CSBE AT TIME OF AWARD:	N/A
CONTRACT MEASURES:	No Measures. Insufficient Avaliability
COMPANY QUALIFIER:	C. Harvey Tatum
LOCATION OF COMPANY	Hialeah, Florida
YEARS IN BUSINESS:	Nine years

PREVIOUS CONTRACTS WITH COUNTY DURING THE LAST FIVE YEARS:	Fifteen (15) contracts totaling $55,826,940
CONTRACTOR PERFORMANCE:	Capital Improvements Information System (CIIS) Evaluation score of 2.8 based on one project. Rating scale of 1-4; One being unresponsive performance and 4 being superior performance.
ORIGINAL COST ESTIMATE:	$3,836,442.00
ORIGINAL CONTRACT AMOUNT:	$4,353,750.36

ALLOWANCE ACCOUNT HISTORY:

Original Amount:	$391,348.35
Allowance Account Increase	0
Total Amount Used	$391,348.00
Current Balance Remaining:	$ 0.35

CHANGE ORDER RECOMMENDATUON: Change Order No. 2 increase the contract amount by $38,277.00 for the following items:

1. Replace two damaged electronic deluge panels serving zones 2 and 3.
2. Comply with Fire Department list and (3) support Second Floor deluge sprinkler pipes.

JUSTIFICATION FOR CHANGE ORDER: 1. Hurricane Katrina caused two of the deluge panels to be damaged by water intrusion and had to be replaced. 2. The Miami-Dade Fire Department required a list of changes and additions to the original approved design to comply with revised fire code requirements. 3. The pipe hangers specified in the original design did not meet the actual existing conditions. The hanger design had to be modified to meet these actual field conditions and requirements.

ADJUSTED CONTRACT AMOUNT:	$4,392,027.36
PERCENTAGE OF INCREASE OR DECREASE PREVIOUS CHANGE ORDERS:	0%, Time extensions Only

PERCENTAGE OF INCREASE OR DECREASE THIS CHANGE ORDER:	0.88%
ORIGINAL CONTRACT COMPLETION DATE:	April 11, 2003
REVISED CONTRACT COMPLETION DATE PER CHANGE ORDER NO.: ONE	October 31, 2003
REVISED CONTRACT COMPLETION DATE PER WORK ORDERS NO.: 1 THRU 11	February 20, 2006
USING AGENCY:	Miami-Dade Aviation Department
FUNDING SOURCE:	Aviation Revenue Bonds
DBD REVIEW:	Yes
PROJECT MANAGER:	Milton Johnson, MDAD

Susanne Torriente, Chief of Staff/Assistant County Manager

MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro and Members, Board of County Commissioners

DATE: January 25, 2007

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 8(A)(1)(A)

Please note any items checked.

_____	**"4-Day Rule" ("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**
_____	**Bid waiver requiring County Manager's written recommendation**
_____	**Ordinance creating a new board requires detailed County Manager's report for public hearing**
_____	**Housekeeping item (no policy decision required)**
_____	**No committee review**

Business Development
Project Worksheet

Project/Contract Title: MIA CONCOURSE "H" GLAZING PROTECTION (RESUBMITTAL 10/19/00) (SIC 17)

Project/Contract No.: MDAD #F172A
Department: MDAD
Estimated Cost of Project/Bid: $ 2,827,018.00 **Funding Source:** Passenger Facility
Description of Project/Bid: To establish a contract to provide MIA Concourse "H" glazing protection for MDAD.

Measures Recommendation					
Set-Aside:	☐ Level 1	☐ Level 2	☐ Level 3	**Bid Preference**	☐
Trade-Set Aside	☐			**Selection Factor**	☐
No Measure	☒				
CSBE Subcontractor Goal _____					

Reasons for Recommendation

Analysis of the trades required for the contract, as well as an analysis of the availability of CSBE's, revealed insufficient availability.

SIC 1799 - Special Trade Contractors, NEC

Analysis for Recommendation of a Goal

Subtrade	Cat.	Estimated Cost	% of Item to Base Bid	Availability
		Total		

Living Wages: YES ☐ NO ☑

Responsible Wages: YES ☑ NO ☐

Ordinance 90-143 is applicable to all construction projects over $100,000 that do not utilize Federal funds.

REVIEW COMMITTEE RECOMMENDATION

Set-Aside	**Level 1** _____	**Level 2** _____	**Level 3** _____		
Trade Set Aside (MCC)	✓	**CSBE Subcontractor Goal** _____		**Bid Preference**	_____
No Measure	✓	**Deferred** _____		**Selection Factor**	_____

Chairperson, Review Committee — Date 6/22/01
County Manager — Date 06/27/01

MIAMI - DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO. 2 (Final) **PROJECT NO.** F172A **DATE:** 04/03/06

PROJECT NAME: MIA CC 'H' GLAZING PROTECTION

TO CONTRACTOR: TGSV ENTERPRISES, INC.

YOU ARE HEREBY REQUESTED TO MAKE THE FOLLOWING CHANGES TO THE CURRENT CONTRACT, AND TO PERFORM THE WORK SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

ITEM NO.	DESCRIPTION	AMOUNT
1	Contractor to provide all labor, material and equipment to replace two damaged electronic deluge control panels serving zones #2 and #3. JUSTIFICATION: UNFORESEEN OR UNFORESEEABLE CHANGE	$ 20,972.00
2	Contractor to provide all labor, material and equipment necessary to comply with a list of Fire Department requirements described in RCOs Nos. 20, 21, 25 and 28. JUSTIFICATION: OTHER AGENCY REQUESTED CHANGE	$ 13,494.00
3.	Contractor to provide all labor, material and equipment to support the pipes feeding the Second Floor deluge sprinkler heads as indicated in accepted RFI No. 19.1 JUSTIFICATION: DESIGN OMISSION CHANGE	$ 3,811.00

SUMMARY OF CONTRACT AMOUNT

	ORIGINAL CONTRACT AMOUNT.....	$ 4,353,750.36
REASON FOR CHANGE:	COST OF CONSTRUCTION CHANGES PREVIOUSLY ORDERED.....	$ 0.00
☐ Regulatory Change	ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE ORDER.	$ 4,353,750.36
☐ Other Agency Requested Change	**COST OF CONSTRUCTION CHANGES THIS ORDER**.....	$ 38,277.00
☐ Design Errors Change	ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	$ 4,392,027.36
☐ Design Omission Change	PER CENT INCREASE, THIS CHANGE ORDER	0.88%
☐ County Requested Change	TOTAL PER CENT INCREASE TO DATE	0.88%
☐ Unforeseen or Unforeseeable Change	**EXTENSION OF TIME ALLOWED BY THIS CHANGE** 0 CALENDAR DAYS TO _	

CERTIFYING STATEMENT: *I hereby certify that the supporting cost data included is, in my considered opinion, accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit competitive bidding.*

PEREZ & PEREZ ARCHITECTS
Mario O. Mas
SIGNATURE CONSULTING ARCHITECT OR ENGINEER

TO BE FILLED OUT BY DEPARTMENT INITIATING CHANGE ORDER

FACILITIES — DEPARTMENT

732263 (CAS)
722544 CPA
EA501/AV3201 — FUNDS BUDGETED CODE

CERTIFIED BY

ACCEPTED BY: _____ CONTRACTOR

Great American Insurance Company
SURETY

RECOMMENDED: _____ PROJECT MANAGER / CHIEF ARCHITECT/CHIEF ENGINEER

APPROVED: _____ HNTB (CONSULTING ENGINEER) DEPT. BUSINESS DEVELOPMENT

APPROVED: _____ DEPARTMENTAL DIRECTOR

APPROVED: _____ BUDGET DIRECTOR

DADE COUNTY, Florida
By its BOARD OF COUNTY COMMISSIONERS

By: _____ County Manager DATE

ATTEST:

By: _____ Deputy Clerk

cc: A/E Consultant, General Contractor, Surety, Project Manager, HNTB, DAC Projects Control, Contracts Administration

MIAMI - DADE COUNTY
CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO 2 **PROJECT NO.** F172A **DATE:** 04/03/06

PROJECT NAME: MIA CC 'H' GLAZING PROTECTION

TO CONTRACTOR: TGSV ENTERPRISES, INC.

ITEM NO.	DESCRIPTION	AMOUNT
1.	Hurricane Katrina caused two of the deluge panels to be damaged by water intrusion and had to be replaced.	$ 20,972.00
2.	Fire Department required a list of changes and additions to the original approved design for a total of $13,494.00	$ 13,494.00
3.	The pipe hangers specified did not meet the actual existing conditions, hanger design had to be modified to meet these conditions.	$ 3,811.00
	TOTAL THIS CHANGE ORDER:	$ 38,277.00

GREAT AMERICAN INSURANCE COMPANY

Administrative Office: 580 WALNUT STREET • CINCINNATI, OHIO 45202 • 513-369-5000 • FAX 513-723-2740

The number of persons authorized by this power of attorney is not more than FIVE

No. **0 17715**

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That the GREAT AMERICAN INSURANCE COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Ohio, does hereby nominate, constitute and appoint the person or persons named below its true and lawful attorney-in-fact, for it and in its name, place and stead to execute in behalf of the said Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; for all obligees including any and all consents required by the Department of Transportation, State of Florida, incident to the release of retained percentages and/or final estimates; provided that the liability of the said Company on any such bond, undertaking or contract of suretyship executed under this authority shall not exceed the limit stated below.

Name		Address	Limit of Power
CHARLES J. NIELSON	MARV C. ACEVES	ALL OF	ALL
CHARLES D. NIELSON		MIAMI LAKES, FLORIDA	UNLIMITED
WARREN ALTER			
GLORIA MCCLURE			

This Power of Attorney revokes all previous powers issued in behalf of the attorney(s)-in-fact named above.

IN WITNESS WHEREOF the GREAT AMERICAN INSURANCE COMPANY has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 26TH day of JULY , 2004 .

Attest GREAT AMERICAN INSURANCE COMPANY

DAVID C. KITCHIN (513-412-4602)

STATE OF OHIO, COUNTY OF HAMILTON - ss:

On this 26TH day of JULY, 2004 , before me personally appeared DAVID C. KITCHIN, to me known, being duly sworn, deposes and says that he resides in Cincinnati, Ohio, that he is the Divisional Senior Vice President of the Bond Division of Great American Insurance Company, the Company described in and which executed the above instrument; that he knows the seal of the said Company; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by authority of his office under the By-Laws of said Company, and that he signed his name thereto by like authority.

This Power of Attorney is granted by authority of the following resolutions adopted by the Board of Directors of Great American Insurance Company by unanimous written consent dated March 1, 1993.

RESOLVED: That the Division President, the several Division Vice Presidents and Assistant Vice Presidents, or any one of them, be and hereby is authorized, from time to time, to appoint one or more Attorneys-in-Fact to execute on behalf of the Company, as surety, any and all bonds, undertakings and contracts of suretyship, or other written obligations in the nature thereof; to prescribe their respective duties and the respective limits of their authority; and to revoke any such appointment at any time.

RESOLVED FURTHER: That the Company seal and the signature of any of the aforesaid officers and any Secretary or Assistant Secretary of the Company may be affixed by facsimile to any power of attorney or certificate of either given for the execution of any bond, undertaking, contract or suretyship, or other written obligation in the nature thereof, such signature and seal when so used being hereby adopted by the Company as the original signature of such officer and the original seal of the Company, to be valid and binding upon the Company with the same force and effect as though manually affixed.

CERTIFICATION

I, RONALD C. HAYES, Assistant Secretary of Great American Insurance Company, do hereby certify that the foregoing Power of Attorney and the Resolutions of the Board of Directors of March 1, 1993 have not been revoked and are now in full force and effect.

Signed and sealed this 5th day of July , 2006 .

FLORIDA DEPARTMENT OF INSURANCE

MARY COLE ACEVES

License Number E013909

IS LICENSED TO TRANSACT THE FOLLOWING CLASSES OF INSURANCE:

Customer Representative



RESIDENT LICENSE

This Licensee must have an active appointment with the insurer or employer for which products or services are being marketed. See reverse for additional requirements.

The Florida Community College System is Expressly authorized to remit fees for the fulfillment of its contract with the Florida Department of Insurance.

RELEASE OF CLAIM

In consideration of and conditional upon payment to Contractor by Miami-Dade County (hereinafter "County"), of the final Contract Amount shown on the cover page, which amount includes the final Pay Application in this contract, the Contractor releases County, and its officers, employees, and agents from, and waives and relinquishes any and all claims, disputes or causes of action it has or may have against the County, and its officers, employees and agents arising out of, or in connection with, the Change Order or the work performed or to be performed under the Contract Documents.

The Contractor accepts the Final Pay Application and the Final Contract Amount as full accord and satisfaction of all the monies due it under or in connection with the Contract Documents and the work performed under the Contract Documents.

By accepting the work, County waives all claims against Contractor, except that County expressly reserves the right:

(1) to require the repair or replacement of defective work under warranty and guaranty provisions of the Contract Documents;

(2) to require the repair or replacement of latent defects in the work to the extent provided by Florida law;

(3) to perform audits and seek reimbursement of any overpayments discovered as a result of an audit, as provided in the Contract Documents;

(4) to enforce those provisions of the Contract Documents which specifically provide that they survive the completion of the work; and

(5) to enforce the terms of the Payment and Performance Bonds against Surety.

Contractor has read these provisions prior to executing the Final Change on the cover page of this document and understands his rights.