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

Memorandum

MIAMI-DADE COUNTY

Date: February 19, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

Agenda Item No. 8(F)(3)

From: Carlos A. Gimenez
Mayor

Resolution No. R-169-14

Subject: Resolution Authorizing Change Order No. 3 to the Construction Contract between Miami-Dade County and Siltek Group, Inc. in the amount of up to $475,000 for the Gran Via Apartments - Affordable Housing Project (ISD Project No: Z000107 GOB ESP)

Recommendation

It is recommended that the Board of County Commissioners (Board) authorize Change Order No. 3 to the construction contract between Miami-Dade County and Siltek Group, Inc. for the *District 11 Preservation of Affordable Housing and Expansion of Home Ownership Project* (Gran Via Apartments). This item authorizes additional funding of up to $475,000 due to the following:

- An increase in the original contract by a not-to-exceed amount of $300,000 in order to address required structural changes by the Engineer of Record.
- The replenishment of the contingency allowance account in the amount of $266,576.
- A reduction in the original contract amount by $91,576 in order to transfer elements of the Contractor's scope of work to the Office of Art in Public Places.

These items are described in more detail in the Background Section of this transmittal memorandum. Gran Via Apartments is included in the list of projects under the Economic Stimulus Program (ESP) and therefore does not require committee review.

Scope

The Gran Via Apartments project is located at 12700 SW 8 Street in District 11, which is represented by Commissioner Juan C. Zapata.

Fiscal Impact/Funding Source

This amendment will increase the current budget for the Gran Via Apartments project by $475,000, which will be funded by Internal Services Department revenues. The current overall project budget is $10,921,000 and the funding sources are the Building Better Communities General Obligation Bond Program ($10,592,308) and Capital Outlay Reserve ($329,000). This requested change order will increase the project budget to $11,396,000.

Track Record/Monitor

Jesus Farinas of the Internal Services Department, Design and Construction Services Division, is the Project Manager.

Background

The Board originally approved this project on June 5, 2012, through Resolution R-458-12. The project consists of a multi-story affordable residential and retail building with 104 one-bedroom and studio units, and will serve as a Park and Ride facility that allows residents easy access to public transportation, including nine parking spaces dedicated for public transit riders, and two dedicated areas at the north front of the property for future bus stop shelters. This project is part of the County's ESP and has created jobs for 130 construction workers over the length of the construction period, and, is also expected to achieve a minimum Silver rating under the Leadership in Energy and Environmental Design certification. Management, operation, and maintenance of the facility will be contracted out by the County's Public Housing and Community Development.

While this is the third change order for this project, the prior two change orders were for time only, as follows:

- Change Order No. 1, for time only, was necessary to replenish 37 days of contingency time to cover delays in the work not attributable to the contractor (i.e. rain delays), changes in the work ordered by the County, and a discrepancy in the survey used for design.
- Change Order No. 2, for time only, was necessary to extend the contract for 145 days to address issues including rain delays, a fire incident on the roof caused by lightning, a regulatory condition in the shower control valves of 24 units, and structural modifications to reinforce the elevated floor slabs.

Change Order No. 3, which is for additional funding, is necessary as a result of several issues that have arisen during the construction phase, as follows:

- An increase in the original contract by a not-to-exceed amount of $300,000 in order to address required structural changes by the Engineer of Record. This is required as a result of design omissions requiring modifications in construction to address deficient inspection findings. These design changes will provide additional reinforcing steel on the second through fifth floors, as well as the roof of the building.
- A reduction in the original contract amount by $91,576 in order to transfer elements of the Contractor's scope of work to the Office of Art in Public Places; this work includes the fabrication and installation of aluminum picket guard railings on all balconies, and the fabrication and installation of 9,970 linear feet of chain link fence.
- The replenishment of the contingency allowance account in the amount of $266,576. Replenishment of the contingency allowance is recommended in order to allow the County to address a number of issues that have arisen in recent months and are being negotiated with the contractor, including:
    1. Regulatory requirements to remove an underground, abandoned vault;
    2. Additional modifications necessary to address life safety requirements for the building's fire alarm and suppression systems; and
    3. Additional work required by the Water and Sewer Department to connect the building sewer system through the adjacent trailer park.

While construction is ongoing, it is recommended that the County replenish the contingency allowance account at this level to ensure that it is able to address the issues above, and any other unforeseen conditions that may be identified through the completion of construction and during the one-year warranty period.

The Gran Via Apartments project continues to progress. All pre-applications for the Gran Via Apartments have been processed through a computerized lottery and assigned a randomly-selected ranking number. Over 3,400 applications have been received, and the waiting list with the results ranked is now available online. The project is approximately 87 percent complete, and is anticipated to be opened and operational by April 2014. Approval of this item will help ensure timely completion by the April 2014 date.

Attachment

Edward Marquez
Deputy Mayor

MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: February 19, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(F)(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**
_____	**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. 8(F)(3)
2-19-14

RESOLUTION NO. R-169-14

RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 TO THE CONSTRUCTION CONTRACT BETWEEN MIAMI-DADE COUNTY AND SILTEK GROUP, INC. FUNDED BY THE INTERNAL SERVICES DEPARTMENT IN AN AMOUNT NOT TO EXCEED $475,000 FOR THE DISTRICT 11 PRESERVATION OF AFFORDABLE HOUSING AND EXPANSION OF HOME OWNERSHIP PROJECT (GRAN VIA APARTMENTS), ISD PROJECT NO. Z000107; AND AUTHORIZES THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO MODIFY CHANGE ORDER NO. 3 AS NEEDED AND TO EXERCISE ANY AND ALL RIGHTS CONFERRED 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 authorizes the County Mayor or the County Mayor's designee to execute Change Order No. 3 to the Construction Contract between Miami-Dade County and Siltek Group, Inc. of up to $475,000 for the District 11 Preservation of Affordable Housing and Expansion of Home Ownership (Gran Via Apartments), ISD Project No: Z000107 GOB ESP, substantially in the form attached hereto and made a part hereof; and authorizes the County Mayor or County Mayor's designee to exercise any cancellation and renewal provisions therein.

The foregoing resolution was offered by Commissioner **Sally A. Heyman**, who moved its adoption. The motion was seconded by Commissioner **José "Pepe" Diaz** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared the resolution duly passed and adopted this 19th day of February, 2014. 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: *Christopher Agrippa*
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Hugo Benitez

MIAMI-DADE COUNTY, FLORIDA

INTERNAL SERVICES DEPARTMENT

CHANGE ORDER TO ORIGINAL CONTRACT

CHANGE ORDER NO: 3 **CONTRACT NO:** Z000107 **DATE:** 12/19/2013

PROJECT TITLE: District 11 Preservation of Affordable Housing and Expansion of Home Ownership (Gran Via Apartments)

TO CONTRACTOR: Siltek Group, Inc. 1232 N. University Drive Plantation, Florida 33322

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: The work authorized includes the following:
(Continued below)

Monetary Justification: Additions due to Design Omissions:
CPR1-Division 3: A not-to-exceed amount of $300,000 due to EOR changes to reinforcing bars from 2nd through 5th floors and Roof. Additional reinforcing steel and design changes by EOR have increased the labor and materials required for the structural work.
(Continued below)

Time Justification: This change order does not include any time extension

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	$9,866,765
COST OF CHANGES PREVIOUSLY ORDERED	$0
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE	$9,866,765
COST OF CHANGES WITH THIS DOCUMENT	$475,000
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE	$10,341,765
PERCENT INCREASE WITH THIS CHANGE	4.81%
TOTAL PERCENT INCREASE TO DATE	4.81%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	366 / 113 / 0
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	37 / 69 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE	585

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.

Accepted By:	Name	Title	Date
Siltek Group, Inc		Contractor	12/23/13
Hartford Casualty Insurance Company	Charles D. Nielson		
Surety	Charles D. Nielson, Attorney-in-Fact	Surety	December 23, 2013

Title	Name	Date
Approved By: **County Attorney** (for legal sufficiency)		
Approved By: **County Mayor**		
Attested By: **Clerk of the Board**		

Description of Work Authorized: (Continued)

Design Omissions:

1. Engineer of Record's (EOR) changes to reinforcing bars from 2nd through 5th floors and Roof. Additional reinforcing steel and design changes by EOR have increased the labor and materials required for the structural work.

Replenishment of Contingency Allowance:

1. Replenishment of the contingency allowance to allow the County to address any unforeseen conditions that may arise through final completion of the project, as well as during the one-year warranty period.

Changes requested by Other Agency:

1. Fabrication and installation of aluminum picket guard railings at all balconies. This scope of work will be transferred to Art in Public Places (APP).
2. Fabrication and installation of 9,970 square feet of chain link fence. This scope of work will be transferred to APP.
3. Changes in landscaping related to APP work, caused by interference of landscaping original design with artwork by APP.

Monetary Justification: (Continued)

Replenishment of Contingency Allowance:
Replenishment of the contingency allowance in the amount of $266,576. This action is recommended in order to allow the County to address any unforeseen conditions that may arise through final completion of the project, as well as during the one-year warranty period.

Deductions due to request by other Agency:
Item No. 1: $68,371 credit for fabrication and installation of aluminum picket guard railings at all balconies.
Item No. 2: $22,840 credit for fabrication and installation of 9,970 square feet of chain link fence. This scope of work will be transferred to APP.
Item No. 3: $365 credit for changes in landscaping related to APP work, caused by interference of landscaping original design with artwork by APP.

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

Direct Inquiries/Claims to:
THE HARTFORD
BOND, T-4
One Hartford Plaza
Hartford, Connecticut 06155
call: 888-266-3488 *or fax:* 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT: **Agency Code: 21-229752**

- [X] **Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- [X] **Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- [X] **Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut
- [ ] **Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut
- [ ] **Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana
- [ ] **Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois
- [ ] **Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana
- [ ] **Hartford Insurance Company of the Southeast**, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, ***up to the amount of unlimited:***

Charles J. Nielson, Mary C. Aceves, Charles D. Nielson, Joseph Penichet Nielson, David R. Hoover
of
Miami Lakes, FL

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on August 1, 2009 the Companies have caused these presents to be signed by its Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.

Wesley W. Cowling, Assistant Secretary

M. Ross Fisher, Vice President

STATE OF CONNECTICUT }
COUNTY OF HARTFORD } ss. Hartford

On this 12th day of July, 2012, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.

Kathleen T. Maynard
Notary Public
My Commission Expires July 31, 2016

CERTIFICATE

I, the undersigned, Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of December 23, 2013.

Signed and sealed at the City of Hartford.

Gary W. Stumper, Vice President