

Memorandum



Date: February 19, 2020

To: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

Agenda Item No. 8(C)(1)

From: Carlos A. Gimenez
Mayor

Resolution No. R-196-20

Subject: Approval of Recommendation for Award of a Construction Contract for the Westchester Cultural Arts Center, CUA Project No. A13-CUA-01 GOB ESP

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the award of a contract for the construction of the Westchester Cultural Arts Center (also known as the Westchester Community Arts Center or WCAC) to TGSV Enterprises, Inc. Board approval is required under the County's Economic Stimulus Plan Ordinance (Section 2-8.2.7 of the Code of Miami-Dade County) since the contract award amount exceeds the County's initial base construction estimate by more than ten percent. Committee review is not required in accordance with Section 2-8.2.7 of the Code of Miami-Dade County.

Delegation of Authority:

The authority of the County Mayor or County Mayor's designee to execute and implement this contract is consistent with those authorities granted under Ordinance No. 08-92 and Resolution No. R-69-12, which added the Westchester Cultural Arts Center project to the approved list of projects contained in the County's Economic Stimulus Plan (ESP).

Scope

PROJECT NAME: Construction of the Westchester Cultural Arts Center

PROJECT NO.: A13-CUA-01 GOB ESP

PROJECT DESCRIPTION: The scope of work includes construction of the Westchester Cultural Arts Center, a new 11,867 square feet multi-purpose facility to be built to the west of the main entrance to Tropical Park. Designed by architectural firm Zyscovich Inc., the facility will provide cultural and recreational programming and education. The multi-purpose room has been designed as a flexible space to accommodate a wide range of performing arts, recreational and community activities, along with a complement of front-of-house and back-of-house support spaces and the entrance lobby to the facility which will also serve as an art gallery for rotating exhibitions. Included in the recommended award is the alternate bid item, a tension wire grid for the flexible multi-purpose space that will provide greater programming capabilities. The facility will be owned by Miami-Dade County and it is anticipated that it will be operated by a non-profit organization, which shall be selected during the construction of the WCAC. The new facility incorporates accessible design standards to accommodate users of all abilities and is designed with sustainable measures to attain accreditation for LEED and/or Green Globes.

PROJECT LOCATION: Tropical Park
7900 SW 40th St, Miami, Florida 33155

**PRIMARY
COMMISSION
DISTRICT:** District 10, Javier D. Souto

APPROVAL PATH: Board of County Commissioners

USING DEPARTMENT: Department of Cultural Affairs

**MANAGING
DEPARTMENT:** Department of Cultural Affairs

**Fiscal Impact/Funding
Source**

FUNDING SOURCES: The work resulting from this construction contract will be funded through Building Better Communities General Obligations Bond (BBC-GOB) proceeds.

**OPERATIONS COST
IMPACT/FUNDING:** The total cost to operate the facility is estimated at \$750,000 annually. It is anticipated that, based on finalizing an operating and management agreement with a non-profit organization, the operating cost subsidy to be paid by the County will be \$430,000 annually and will be funded from the General Fund.

**MAINTENANCE COST
IMPACT/FUNDING:** The cost of maintenance will be included in the operating subsidy to the non-profit organization.

**LIFE EXPECTANCY OF
ASSET:** 50 Years

PTP FUNDING: No

GOB FUNDING: Yes – Project Numbers 286 and 292

A companion item to the Board recommends a significant modification to GOB Bond Program Project Number 292 to transfer funding necessary for the construction of Project Number 286.

CAPITAL BUDGET PROJECTS:	<u>CAPITAL BUDGET PROJECT DESCRIPTION</u>	<u>AMOUNT</u>
	932730 – WESTCHESTER ARTS CENTER – BUILDING BETTER COMMUNITIES BOND PROGRAM - Construction Book Page: 178, Volume #2 Funding Year: Adopted Capital Budget Book for FY 2019-20	\$6,535,000
	Project No. 931360 – MIAMI DADE COUNTY AUDITORIUM – BUILDING BETTER COMMUNITIES BOND PROGRAM – Construction Book Page: 177, Volume #2 Funding Year: Adopted Capital Budget Book for FY 2019-20	\$775,707*
	TOTAL CAPITAL PROJECT	\$7,310,707

* the additional funding beyond the \$775,707 recommended in the significant modification companion item is necessary to cover capital costs outside of the construction contract including inspections, work conducted by other departments (e.g., ITD), fixtures, furnishings and equipment, specialized theater and sound and communications systems, etc.

PROJECT TECHNICAL CERTIFICATION REQUIREMENTS: Miami-Dade County Contractor's Certification is required in one of the following categories: General Building, General Engineering, or other certified categories as applicable to Chapter 10 of the Code of Miami-Dade County and/or State of Florida General Contractor's License, or as required to successfully complete the work under contract.

SUSTAINABLE BUILDINGS ORDINANCE (I.O. NO. 8-8): The project qualifies for compliance with the Sustainable Buildings Ordinance.

SEA LEVEL RISE (Ord. No. 14-79) The impact of sea level rise was considered as part of the design of this project.

NO. VENDORS ISSUED ADVERTISEMENT: Openly advertised

BIDS RECEIVED: 8, including submissions from the following companies, not listed in any particular order: JRT Construction Co, Critical Path Services, The BEC Group Services, West Construction Inc., TGSV Enterprise Inc., StoneHenge Construction LLC, Florida Lemark Corporation, Emerald Construction Corporation.

ESTIMATED ORIGINAL CONTRACT PERIOD: 365 calendar days for Substantial Completion, plus an additional 37 calendar days contingency for unforeseen conditions. Excludes Warranty Administration Period.

IG FEE INCLUDED IN BASE CONTRACT: Yes

ART IN PUBLIC PLACES: Yes

BASE ESTIMATE: \$5,674,120

BASE CONTRACT AMOUNT: \$6,467,670

ALTERNATE 1 AMOUNT: \$178,427

BASE PLUS ALTERNATE 1: \$6,646,097

	<u>TYPE:</u>	<u>PERCENT:</u>	<u>AMOUNT:</u>	<u>COMMENT:</u>
OWNER CONTROLLED - CONTINGENCY ALLOWANCE (SECTION 2-8.1 CODE OF MIAMI-DADE COUNTY):	New	Five Percent	\$332,305	County Ordinance 00-65 Construction

DEDICATED ALLOWANCE FOR PERMIT FEES: Three Percent \$199,383

DEDICATED ALLOWANCE FOR INFRASTRUCTURE CONNECTION FEES: Two Percent \$132,922

**REIMBURSABLE
EXPENSES:**

N/A

0

**TOTAL DEDICATED
ALLOWANCE AND
CONTINGENCY:**

\$664,610

**TOTAL
CONTRACT AMOUNT:**

\$7,310,707

**ART IN PUBLIC
PLACES (APP):**

\$162,000

Administrative Order 3-11. Amount not part of construction contract but Contractor to coordinate with APP. Total eligible cost included.

Track Record/Monitor

**SBD HISTORY OF
VIOLATIONS:**

None. TGSV Enterprises, Inc. has no open or closed violations in the last three years.

EXPLANATION:

In accordance with Resolution No. R-187-12, due diligence was conducted by the Department of Cultural Affairs staff to determine responsibility, including verifying corporate status and performance and compliance data. The lists that were reviewed include: convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. In accordance with Resolution No. R-1181-18, due diligence was also conducted to determine contractor and subcontractor responsibility, including reviewing corporate OSHA Form 300 safety records. There were no adverse findings relating to TGSV Enterprises, Inc.

BID OPEN DATE: 11/26/2019

BID BOND EXPIRES: 02/26/2020

BID VALID UNTIL: 02/26/2020

**ESTIMATED NOTICE
TO
PROCEED:** 03/31/2020

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PRIME CONTRACTOR: TGVS Enterprises, Inc.

**COMPANY
PRINCIPAL:** Roy Rodriguez

**COMPANY
QUALIFIERS:** Roy Rodriguez

**COMPANY EMAIL
ADDRESS:** rgomez@tgsv.com

**COMPANY STREET
ADDRESS:** 1301 West 68th Street, Suite A.

**COMPANY CITY-
STATE-
ZIP:** Hialeah FL 33104

YEARS IN BUSINESS: 24

**PREVIOUS
EXPERIENCE WITH
COUNTY IN THE LAST
THREE YEARS:** According to the Firm History Report provided by the Division of Small Business Development, TGSV Enterprises, Inc. has no work history for the last three years.

**SUBCONTRACTORS
AND
SUPPLIERS (SECTION
10-34 MIAMI-DADE
COUNTY CODE):**

- Energy Cost Solutions Group, LLC. – LEED Consultant.
- A & A Fonte, Inc. – Sitework.
- Bannerman Landscaping, Inc – SBE – Landscaping.
- H & R Construction Group, Inc – SBE – Concrete/Masonry.
- Allied Roofing Ind., Inc – Roofing.
- Fire Zone Sprinklers, Inc. – Fire Protection.
- Comfort Tech Air Conditioning, Inc. – HVAC.
- EZ Plumbing Sales and Services, Inc. – Plumbing.
- F&L Fire and Electrical System, Inc.

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**MINIMUM
QUALIFICATIONS
EXCEED LEGAL
REQUIREMENTS:**

Yes.

- 1) The selected contractor or primary principals of the company must demonstrate active experience in the construction industry for at least ten (10) years prior to submittal.
- 2) The selected contractor or primary principals and/or senior management must demonstrate experience as a prime contractor responsible for the construction of one (1) facility of comparable or greater size, complexity, quality, value, type and scale within the past ten (10) years.
- 3) Contractor or its consultant must demonstrate experience with sustainability and/or resiliency projects and the fulfillment of the requirements for attaining building certification as required by the sustainability rating system used such as LEED Silver and/or Green Globes of at least 2 projects.
- 4) Bidders must fill out and include in their bid submissions the Bidder's Qualifications Form in order to provide information about the project(s) being submitted for consideration to substantiate the experience required.
- 5) Bidders are required to include in their bid submissions general information regarding their companies' management and operations, financial resources, bonding capacity, payment history to subcontractors, and a history of commenced and completed projects in order to support said requirements.
- 6) Any and all documentation submitted to support these requirements will be subject to verification by County staff.

**STANDARD PAYMENT
AND
PERFORMANCE
BOND:**

Yes

REVIEW COMMITTEE: MEETING DATE: N/A

SIGNOFF DATE: 01/29/2020

**APPLICABLE WAGES: Yes
(RESOLUTION NO. R-
54-10)**

REVIEW COMMITTEE	<u>TYPE</u>	<u>GOAL</u>	<u>ESTIMATED VALUE</u>	<u>COMMENT</u>
ASSIGNED	SBE-Cons	13.42 Percent	\$863,993	I.O. 3-22
CONTRACT				
MEASURES:	SBE-G&S	1 Percent	\$66,461	I.O. 3-41

**MANDATORY
CLEARING
HOUSE:**

Yes

**CONTRACT
MANAGER
NAME/PHONE/EMAIL**

L. Carolina Alfonso (305) 375-3671

carana@miamidade.gov

**PROJECT MANAGER
NAME/PHONE/EMAIL:**

L. Carolina Alfonso (305) 375-3671

carana@miamidade.gov

Background

On November 2, 2004, Miami-Dade County voters approved a variety of capital improvement projects through the "Building Better Communities" General Obligation Bond Program. This project A13-CUA-01 (BBC-GOB number 286) is one of the capital improvements projects eligible to be funded by the BBC-GOB Program.

The development of this facility will serve the citizens of the West area of Miami-Dade County with a variety of cultural, educational, recreational, and community activities. District 10 Commissioner Javier D. Souto has been a champion of the project since its inception, advocated for its inclusion in the Building Better Communities General Obligation Bond program approved by Miami-Dade County voters in 2004, and continues to emphasize the importance of building this multi-purpose center to benefit the community and add to the quality of life of the citizens of Miami-Dade County. The architectural, engineering, and specialty consultant team led by Zyscovich, Inc., the top-ranked firm in the architectural and engineering competitive selection process, has produced an imaginative solution for the facility. Construction bids were previously requested and rejected due to difference in bids received and allocated funding. Therefore, the project's original design has been substantially reduced in scope in an effort to align with the allocated funding and the current construction market conditions.

On November 26, 2019, the Department of Cultural Affairs (Department) received eight bids for the solicitation, which was the second solicitation for the construction of this project following a redesign to value engineer certain elements.

Department staff determined that TGSV Enterprises, Inc. was the lowest responsive and responsible bidder with a contract amount of \$7,310,707 which includes:

Contract Amounts:	
Base bid	\$ 6,467,670
Alternate 1	\$ 178,427
Total Bid Amount	\$ 6,646,097
Owner Controlled - Contingency (5%)	\$ 332,305
Dedicated Allowance - Permits (3%)	\$ 199,383
Dedicated Allowance -- Infrastructure (2%)	\$ 132,922
Total Contingency and Dedicated Allowances	\$ 664,610
Total Project Construction Contract award	\$ 7,310,707

TGSV Enterprise, Inc's base bid is \$793,550 dollars or 14% percent above the advertised estimate.

The Department and the Architect of Record have determined that the price is fair and reasonable.

Department staff conducted performance reviews including reference checks, and verification of the contractor's past experience with the County. Information received was satisfactory pursuant to Miami-Dade County standards. TGSV Enterprises Inc has reviews in the Capital Improvements Information System with an average of 2.7 for the past ten (10) years of work with the Miami-Dade County.

A significant modification to fund a portion of the construction contract and related capital costs necessary is a companion item to this construction contract and its approval is a prerequisite to awarding the construction contract.

DEPARTMENT OF FINANCE:

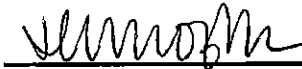
INDEX CODE(S):

**DEPARTMENT FINANCE
OFFICER:**


Regla Lee

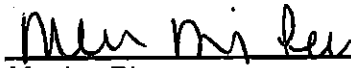
DATE: 1/29/2020

**BUDGET APPROVAL
FUNDS AVAILABLE:**


Jennifer Moon

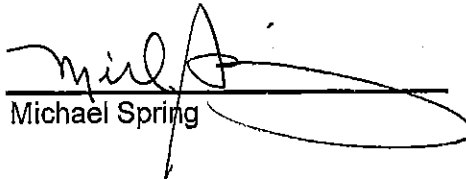
DATE: 1/30/2020

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**


Monica Rizo

DATE: 1/29/20

**MAYOR OR
MAYOR'S DESIGNEE:**


Michael Spring

DATE: 1/29/2020

CLERK DATE:

Clerk

DATE: _____

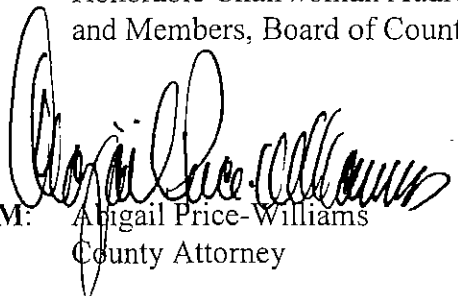


MEMORANDUM

(Revised)

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

DATE: February 19, 2020

FROM: 
Abigail Price-Williams
County Attorney

SUBJECT: Agenda Item No. 8(C)(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

Agenda Item No. 8(C)(1)

2-19-20

Veto

Override

RESOLUTION NO. R-196-20

RESOLUTION APPROVING AWARD OF CONSTRUCTION CONTRACT TO TGSV ENTERPRISES, INC. FOR THE WESTCHESTER CULTURAL ARTS CENTER PROJECT NO. A-13-CUA-01 GOB ESP, IN AN AMOUNT NOT TO EXCEED \$7,310,707.00 FUNDED FROM BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS; AND AUTHORIZING THE COUNTY MAYOR OR THE COUNTY MAYOR'S DESIGNEE TO EXECUTE CONSTRUCTION CONTRACT, TO EXERCISE ANY AND ALL RIGHTS CONTAINED THEREIN, AND TO ENFORCE ALL TERMS AND CONDITIONS THEREOF

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that:

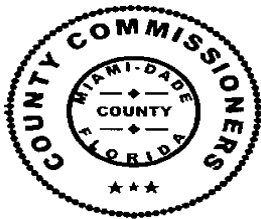
Section 1. This Board approves the award of construction contract to TGSV Enterprises, Inc. for the Westchester Cultural Arts Center Project No. A-13-CUA-01 GOB ESP, in an amount not to exceed \$7,310,707.00 funded from Building Better Communities General Obligation Bond Program funds, for a term of 365 calendar days. A complete set of the construction contract documents are on file and available upon request from the Department of Cultural Affairs.

Section 2. This Board authorizes the County Mayor or the County Mayor's designee to execute the construction contract for the Westchester Cultural Arts Center project attached hereto and made a part hereof, to exercise any and all rights, including termination or cancellation provisions, contained therein and to enforce all terms and conditions thereof.

The foregoing resolution was offered by Commissioner **Javier D. Souto**, who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	aye		
Rebeca Sosa, Vice Chairwoman	aye		
Esteban L. Bovo, Jr.	aye	Daniella Levine Cava	aye
Jose "Pepe" Diaz	absent	Sally A. Heyman	absent
Eileen Higgins	aye	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 19th day of February, 2020. 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

Linda L. Cave

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

MRP

Monica Rizo Perez



00 52 13 - CONSTRUCTION CONTRACT

THIS CONTRACT, made and entered into on this 26 day of November, 2019, by and between Miami-Dade County, Florida, acting by and through the Office of The Mayor, party of the first part (hereinafter sometimes called the "County"), and _____ party of the second part (hereinafter sometimes called "Contractor");

WITNESSETH

That the parties hereto, for and in consideration of the covenants and agreements hereinafter set forth, mutually agree as follows, to wit:

1. That the Contractor shall furnish all plant, labor, materials and equipment and perform all work in the manner and form provided by the Contract Documents covering the Project of the County known and identified as _____ for the amount reflected by the Proposal, based on the Contract prices shown in the Proposal heretofore provided to the County, a copy of said Proposal being a part of the Contract Documents, the aggregate amount of this not to exceed _____ (\$ _____).
2. That the Contractor shall begin the work to be performed under this Contract on a day to be specified in a written order issued by the Engineer, and shall fully complete all work hereunder within the time or times stated within the Contract Documents.
3. That the County shall pay to the Contractor for the faithful performance of this Contract in lawful money of the United States, and subject to additions and deductions as provided in the Contract Documents, the total amount of the aggregate prices for work performed as set forth above at the times and in a manner stated in the General Covenants and Conditions of the Contract Documents.
4. It is further mutually agreed that if at any time after the execution of this Contract and the Performance Bond and Payment Bond, the County shall find the surety upon such bonds to be unsatisfactory, or if for any reason such bond shall become inadequate to cover the performance of the work, the Contractor shall at his own expense, within five (5) days after the receipt of notice from the County to do so, furnish an additional bond or bonds in such form and amount and with such surety or sureties as shall be satisfactory to the County. In such event, no further payment to the Contractor shall be deemed to be due under this Contract until such new or additional surety shall have been furnished in a manner and form satisfactory to the County.
5. The "Construction Contract Documents" are hereby defined as:
 - Advertisement for Bids – Section 00 11 13
 - Instructions to Bidders – Section 00 21 13
 - Bid Proposal Form and Breakdown – Section 00 41 13 and Section 00 41 13.1
 - Bid Bond – Section 00 43 13
 - Bidder's Qualifications and its requirements – Section 00 45 13
 - Universal Affidavits – Section 00 45 19
 - Small Business Development Provision and Affidavits – Section 00 21 13 Section 6 and Sections 00 45 39 and 00 45 40
 - Vendor Registrations Affidavits – Section 00 72 13, Article 15.2
 - Wages and Benefits Provisions – Section 00 21 13
 - Performance and Payment Bond – Section 00 61 13
 - Construction Contract – Section 00 52 13
 - General Contract Conditions – Section 00 72 13
 - All Addenda Issued.
 - Plans/Sketches
 - Specifications
 - Standards
 - Others
6. The terms and conditions of said Contract Documents are incorporated herein by reference and made a part hereof as though fully set forth herein. The Contract Documents are complementary, so that a recital in one is tantamount to a recital in all, and the Contractor specifically acknowledges that he has read and understands all of said Contract Documents.

Department of Cultural Affairs

7. The various indemnities of the Contractor contained in the Contract Documents indemnifying the County from liability for damages to persons or property caused by acts, omissions, or defaults in the performance of the Contract Documents shall have a monetary limitation of the larger of the following: \$1,000,000, or the entire amount of the Contract.
8. The County retains the right to audit any and all information regarding this Contract as described in Specification Section 00 72 13 General Contract Conditions Article 7.10 Audit Rights / Review of Records / Inspector General.

THIS SECTION LEFT BLANK

Department of Cultural Affairs

To Be Completed by Contractor

IN WITNESS WHEREOF, the above bounden parties have caused this Bond to be executed by their appropriate officials as of the 26 day of November 20 19.

Witness: <u>[Signature]</u>	_____	TGSV Enterprises, Inc	65-06611819
Signature	Date	Legal Name of Individual/Joint Venture/Corporation	FEIN Number
Witness: <u>[Signature]</u>	_____	<u>[Signature]</u> Richard Gomez	Vice-President
Signature	Date	Signature of Authorized Representative	Title
Signature of Authorized Representative (2nd Authorized Representative required for Joint Ventures)			Title
(SEAL)			

ACKNOWLEDGEMENT:

STATE OF Florida) ss.:
COUNTY OF Dade County)

Before me personally appeared Richard Gomez to me well known and known to me to be the person described in and who executed the foregoing instrument, and acknowledged to and before me that _____ executed said instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 26 day of November 20 19.

Print or Stamp Name of Notary, Serial Number and Signature _____

Isabel Camejo-Smith



To Be Completed by Miami-Dade County

Approved as to Insurance Requirements:

Approved for Legal Sufficiency:

Risk Management Division _____ Date _____

Assistant County Attorney _____ Date _____

IN WITNESS WHEREOF the said MIAMI-DADE COUNTY, FLORIDA, has caused this Agreement to be executed in its name by the County Mayor or County Mayor's designee, attested by the Clerk of the Board of County Commissioners, and has caused the seal of the Board County Commissioners to be set hereto, as executed and attested by the undersigned this day and year first above written.

ATTEST:

FOR:
BOARD OF COUNTY COMMISSIONERS
MIAMI-DADE COUNTY, FLORIDA

HARVEY RUVIN
Clerk of the Court

CARLOS A. GIMENEZ
County Mayor

By: _____, Clerk of the Board

By: _____

Signature _____ Date _____

Signature _____ Date _____

Department of Cultural Affairs

Distribution:

One Original to Clerk of the Board
One Original to User Department
One Original to Small Business Development
One Original to Contractor