

Memorandum



Date: June 1, 2022

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

From: Daniella Levine Cava
Mayor *Daniella Levine Cava*

Subject: Resolution Ratifying an Extension of Time to the Department Funded Agreement for a Project Related to Miami-Dade Water and Sewer Department Consent Decree and Capital Improvement Programs Acceleration Ordinance pursuant to Section 2-8.2.12 of the Miami-Dade County Code

Agenda Item No. 3(B)(3)

Resolution No. R-504-22

Executive Summary

The attached resolution seeks ratification by the Board of County Commissioners (Board) of Amendment No. Two (Amendment) to the Department Funded Agreement Between the State of Florida Department of Transportation and Miami-Dade County (FDOT Agreement). The Amendment provides a non-compensable time extension of 547 days to the contract term.

Recommendation

It is recommended that the Board ratify the action of the County Mayor or County Mayor’s designee, as authorized under Section 2-8.2.12 of the Miami-Dade County Code related to Miami-Dade Water and Sewer Department’s Consent Decree and Capital Improvement Programs Acceleration Ordinance (WASD’s Acceleration Ordinance) for the funded Project identified below and on Exhibit A, as attached.

Capital Improvement Project

Item 1– Amendment No. Two to the Department Funded Agreement Between the State of Florida Department of Transportation and Miami-Dade County for an extension of the contract term by 547 non-compensable days to June 30, 2023. The FDOT Agreement was entered into so the County’s contractor could conduct roadway improvements at S.R. 916/N.W./N.E. 135 Street from N.W. 6 Avenue to S.R. 5/Biscayne Boulevard while the County is installing water and sewer infrastructure in the area. The Amendment is attached hereto as Exhibit B.

Scope

The County’s utility project consists of installing approximately 13,210 linear feet of 36-inch Ductile Iron Pipe and 1,300 linear feet of High-Density Polyethylene via horizontal directional drilling in the vicinity of N.E. 135 Street from N.W. 7 Avenue to N.E. 16 Avenue (Project). While the County is doing the utility work, FDOT requested that the County’s contractor perform roadway improvements along S.R. 916 from N.W. 6 Avenue to S.R. 5/Biscayne Boulevard. This Project is located in District 2, which is represented by Commissioner Jean Monestime.

Fiscal Impact/Funding Source

Amendment No. Two provides for a non-compensable time extension with no additional monies, so there is no fiscal impact to the County.

Delegation of Authority

Amendment No. Two was approved pursuant to Section 2-8.2.12 of the Miami-Dade County Code related to WASD’s Acceleration Ordinance, which delegates authority to the County Mayor or County Mayor’s designee to award certain projects, and among other things, negotiate and settle claims and execute change orders that do not exceed ten percent (10%) of the base contract amount, subject to ratification by the Board

Track Record/Monitoring

WASD Deputy Director of Capital Improvements, Marisela Aranguiz, P.E., will oversee the implementation of Amendment No. Two.

Background

On June 4, 2019, the Board of County Commissioners adopted Resolution R-606-19, which approved a Joint Participation Agreement between the County and the Florida Department of Transportation (FDOT). The FDOT Agreement is a joint utility and roadway improvement project in which FDOT will reimburse the County for the cost of roadway improvements needed by FDOT along State Road 916/N.W.-N.E. 135 Street, which improvements are being done by the County’s contractor while it performs the County’s utility work.

The County’s Project was expected to reach Substantial Completion in February 2022 and Final Completion in April 2022. Due to unforeseen circumstances that were encountered during the construction of the Project and in order to allow for further coordination with FDOT, the parties have entered into Amendment No. Two to add additional time to the FDOT Agreement, extending its term to June 30, 2023.

To date, the delays encountered by the Contractor that necessitate additional time include:

- 1) Unexpected conflicts with utility infrastructure for several entities, such as AT&T and the City of North Miami’s water mains, sewer laterals, force mains and drainage utilities, which caused a delay of 146 days;
- 2) The need to relocate an unforeseen TECO Gas line along N.E. 135 Street between N.E. 12 Avenue and N.E. 16 Avenue, which caused a delay of 49 days;
- 3) The discovery of contamination in the Harriet Tubman Highway section of the Project, which prompted the work to pause since August 31, 2021, until the contamination is resolved. For this purpose, the Contractor has retained a geologist to perform testing to determine the limits and levels of contamination. The number of days of delay due to this issue have not been determined at this time;
- 4) The complex nature of the final water main connection at N.E. 16 Avenue and the difficulty obtaining raw materials, such the tapping sleeve needed for this connection, which caused a delay of 304 days; and

- 5) Complications with the phasing of a bridge rehabilitation and maintenance of traffic plan that could not proceed until the TECO Gas line referenced above had been relocated.

The Department Funded Agreement Between the State of Florida Department of Transportation and Miami-Dade County is kept on file and is available upon request from the Procurement Division of the Miami-Dade Water and Sewer Department.



Jimmy Morales
Chief Operations Officer

Exhibit A

Ratification of Amendments/Change Orders Authorized by the WASD Accelerate Ordinance

Item Number	Dept. Name	Type of Solicitation	Contract No.	Project Name	Firm Awarded	Commission District	Change Order Amount	Original Contract Amount	Funding Source(s)	Operations and Maintenance Costs	Est. Start Date	Contract Measures				Brief Project Description
		Contract Type	Project No.				Change Order Time	Adjusted Contract Amount			SBE Goods & Services	SBE A/E	SBE Construction	CWP Program	Est. End Date	
1	WASD	Joint Participation Agreement	Contract No. ASG96; Roadway Improvements at SR 916/NW/NE 135	Roadway Improvements at SR 916/NW/NE 135	Acosta Tractors Inc.	District 2	\$0; 547-day non-compensable time extension	Original Contract Amount \$7,877,697.19; N/A	WASD Revenue Bond Sold, Water Renewal and Replacement Fund, Water Special Construction Fund and Future WASD Revenue Bonds	N/A	Notice to Proceed Start Date: 01/18/2021 Final Completion: 04/18/22	N/A	N/A	N/A	N/A	FDOT will reimburse WASD to conduct roadway improvements along S.R. 916 concurrent with WASD's installation of approximately 13,210 linear feet of 36-inch Ductile Iron Pipe and 1,300 linear feet of High-Density Polyethylene. *** Amendment No. Two provides a 547-day non-compensable time extension which is related to unforeseen delays encountered by the Contractor during the completion of the Project.

**AMENDMENT NO. TWO
DEPARTMENT FUNDED AGREEMENT
BETWEEN
STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
AND
MIAMI-DADE COUNTY
EXTENSION TO CONTRACT TERM**

Contract No.:	ASG96
Project Description:	Construction of Roadway Improvements at SR 916/NW/NE 135 th Street from NW 6 th Avenue to SR 5 / Biscayne Blvd.
Participant:	Miami-Dade County
Project No.(s):	429346-1-58-01
Contract Execution Date:	June 19, 2019
Current Contract Term:	December 30, 2021
Amendment Execution Date:	2/11/2022 2:40 PM EST

NOW, THEREFORE, in consideration of the mutual covenants hereinafter contained, the COUNTY and FDOT hereby agree to the following:

1. The foregoing recitals are true and correct and are incorporated into the body of this Agreement, as if fully set forth herein
2. Section 11 "COMMUNICATIONS" Paragraph a and c "To County" shall be modified as follows:

 Miami-Dade County
 Water & Sewer Department
 3071 SW 38th Avenue
 Miami, Florida 33146-1520
 Attn: Nelson Perez-Jacome
 Asst. Director, Engineering & Construction
 Phone: (786) 552-4420
 Fax: (786) 469-5580

 nelson.perez-jacome@miamidade.gov
3. Section 12 "EXPIRATION OF AGREEMENT" shall be modified to read as follows:

 The COUNTY agrees to complete the PROJECT on or before June 30, 2023. The COUNTY may request an extension of the term of this Agreement due to unforeseen circumstances up to thirty (30) days prior to the expiration of this Agreement and the Department may grant such request in writing.

(Amendment continues on next page)

4. Except as hereby modified, amended, or changed, all of the terms and conditions of said original agreement and any amendments thereto will remain in full force and effect.

MIAMI-DADE COUNTY:

BY:



COUNTY MAYOR
Roy Coley, MBA, Director
Miami-Dade County

**ATTEST:
(SEAL)**

BY:



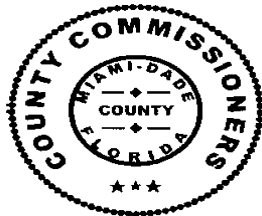
COUNTY CLERK

APPROVED FOR LEGAL SUFFICIENCY:

BY:



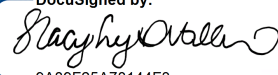
COUNTY ATTORNEY



**STATE OF FLORIDA, DEPARTMENT OF
TRANSPORTATION:**

BY:

DocuSigned by:

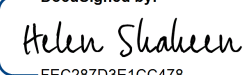


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DISTRICT SECRETARY

**ATTEST:
(SEAL)**

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BY:

EXECUTIVE SECRETARY

LEGAL REVIEW:

BY:

DocuSigned by:



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DISTRICT CHIEF COUNSEL



MEMORANDUM

(Revised)

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

DATE: June 1, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(B)(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
- ☐ 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. 3(B)(3)
6-1-22

RESOLUTION NO. _____ R-504-22

RESOLUTION RATIFYING ACTION BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, SPECIFICALLY APPROVING AMENDMENT NO. TWO TO THE DEPARTMENT FUNDED AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND MIAMI-DADE COUNTY FOR A 547-DAY NON-COMPENSABLE TIME EXTENSION FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS AT S.R. 916/N.W./N.E. 135 STREET FROM N.W. 6 AVENUE TO S.R. 5/BISCAYNE BOULEVARD, CONTRACT NO. ASG96; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

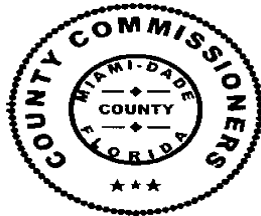
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies the action of the County Mayor or County Mayor's designee, as authorized by section 2-8.2.12 of the Code of Miami-Dade County, specifically, approval of Amendment No. Two to the Department Funded Agreement Between the State of Florida Department of Transportation and Miami-Dade County. Amendment No. Two, which is attached to the accompanying memorandum as Exhibit B, extends the Agreement for the construction of roadway improvements at S.R. 916/N.W./N.E. 135 Street from N.W. 6 Avenue to S.R. 5/ Biscayne Boulevard by 547 non-compensable days. The Board also authorizes the County Mayor or County Mayor's designee to exercise the provisions contained in such Amendment.

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

Jose "Pepe" Diaz, Chairman	aye		
Oliver G. Gilbert, III, Vice-Chairman	aye		
Sen. René García	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	aye
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Rebeca Sosa	aye
Sen. Javier D. Souto	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of June, 2022. 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: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Sarah E. Davis

SED