

Memorandum



Date: June 14, 2022

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

Agenda Item No. 8(C)(3)

From: Daniella Levine Cava
Mayor

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

Resolution No. R-577-22

Subject: Resolution Approving Change Order No. 6 to Project No. C18-CUA-AHCAC-R
Awarded to Aarya Construction and Design, Inc. for Renovations and Upgrades at
the African Heritage Cultural Arts Center

Executive Summary

This item is requesting approval of a Change Order to increase funding and time for the construction contract for the remaining work necessary to renovate and improve the African Heritage Cultural Arts Center, a cultural facility in Liberty City managed by the Department of Cultural Affairs and serving families and children for 45 years. The original contract was awarded competitively under the MCC program in 2019 to a Small Business Enterprise contractor. Subsequently, additional funding for the project has become available and is budgeted, making it possible to both address unforeseen conditions discovered during the renovation process and to improve the remainder of the buildings’ significant deficiencies attributable to its age. In addition, this allows us to take advantage of the efficiencies of a contractor that already is mobilized on site, familiar with the project and committed to performing the work to the standards necessary for a cultural facility. Approval of the Change Order by the Board is necessary because the increase in funding necessary for this additional work exceeds the County Mayor's delegated authority of \$5,000,000 for MCC projects.

Recommendation

It is recommended the Board of County Commissioners (the “Board”) adopt the attached resolution approving Change Order No. 6 to the contract between Miami-Dade County and Aarya Construction and Design, Inc. (“Aarya”) for Project C18-CUA-AHCAC-R - African Heritage Cultural Arts Center Renovations and Upgrades. Change Order No. 6 adds \$1,723,033.66 to the total contract amount, thereby increasing the total contract value from \$4,938,480.87 to \$6,661,514.53 and adds 389 days to the contract term for additional work that is necessary for the successful completion of the project such that the total duration of the work is now 1393 days.

Scope

The African Heritage Cultural Arts Center (AHCAC) is located at 6161 NW 22nd Avenue, Miami, FL 33142 in District 3, represented by County Commissioner Keon Hardemon.

Fiscal Impact/Funding Source

The project has various funding sources, including: Building Better Communities General Obligation Bond (BBC-GOB) funding, Capital Infrastructure Improvement Program proceeds, General Government Improvement Fund revenues, Convention Development Tax funds, and State of Florida Cultural Facilities Grant Program funds. The funding source for Change Order No. 6 is BBC-GOB Project No. 383 – “Miami-Dade County Cultural Facilities Upgrades & Improvements” and is included in the FY 2021-22 Adopted Budget and Multi-Year Capital Plan under Program # 2000001490, Page #180.

Delegation of Authority

The Contract and previous Change Orders were approved pursuant to the delegated authority under section 2-8.1 of the Code and Implementing Order 3-53 creating and setting forth the requirements of the Miscellaneous Construction Contracts (MCC) program. Board approval is required for this Change Order because the increase of \$1,723,033.66 brings the total contract amount to \$6,661,514.53, which exceeds the County Mayor’s delegated authority of \$5,000,000.00 under section 2-8.1(b) of the Code. This item delegates the authority for the County Mayor or Mayor’s designee to execute Change Order No. 6, and enforce all provisions contained therein.

Track Record/Monitor

Construction Projects Manager Eduardo Vivas from the Department of Cultural Affairs (Department) manages all contracts related to the project’s design and construction, and Marshall Davis manages the ongoing operations of the AHCAC. The Department team has a track record of successfully implementing capital grants, managing design and construction projects, and managing and programming cultural facilities.

Background

The African Heritage Cultural Arts Center (AHCAC)

The AHCAC is a regional facility that has served Liberty City and the adjacent communities since opening its doors in 1975. Its campus consists of aging buildings that were adapted to serve as teaching, rehearsal, performance, and exhibition spaces for educating students in the arts and presenting public cultural programs. The AHCAC has a distinguished track record of improving the lives of families and children through the arts. A team of extraordinary teachers and artists is nurturing generations of children. Through the AHCAC, audiences who might not otherwise have the opportunity to experience world-class performances gain access to nationally renowned artists and cultural experiences.

The original contract scope of work was designed to address the Center’s most pressing infrastructure needs, the replacement of the roofing systems and HVAC units at all the buildings except for Building No. 6, the Music Hall, which was the most recently built in the complex. The scope also included reworking the courtyard that unites all the buildings to eliminate the various level changes, creating an ADA-accessible space that can be used for hosting performances and outdoor events.

Construction Contract

Construction bids for the project were initially solicited in mid-2018 through the MCC 7040 program (100% set-aside for Small Business Enterprises (SBE)) but no bids were received. A subsequent solicitation was issued under the MCC 7360 program with a 30% SBE participation goal. Two add alternates were included in the bid documents in anticipation of allocating additional funds for the much-needed improvements. The two add alternates included parking drainage improvements, repaving the west parking lot and interior improvements. On October 10, 2018, five bids were received. The contract was awarded to the lowest responsive and responsible bidder, Aarya for the base bid scope and Alternate A (parking lot paving and drainage improvements) totaling \$1,748,300.00. Aarya was also the low bidder with the inclusion of the second add alternate. The Notice to Proceed was issued on March 4, 2019 with a contract duration of 365 days. It is important to note that Aarya is an SBE Contractor.

After the contract was awarded and construction had begun, additional funding for the project became available, making it possible to address both unforeseen conditions discovered during the renovation process and to address some of the many inherent functional and aesthetic deficiencies due to the Center’s age. During construction, Change Orders No.1 through No. 5 were approved using the MCC approval process, which increased the total contract amount to \$4,938,480.87. Change Order No.1 added the scope of Alternate C which had been included in the bid documents and included items such as renovations in the dance building to include relocation of emergency exit door to increase the dance floor area and adding a new sprung floor, reconfiguring the theater lobby to create a sound and light lock to prevent sound and visual disturbances into the performance space, the addition of acoustical panels in the theater to improve the space acoustics, removal of a roll-up garage door and replacement with windows in the classroom building, etc. Change Orders 2-5 were issued for a variety of unforeseen conditions and owner-requested changes. Unforeseen conditions included items such as additional mechanical attachments needed between the roof deck and existing steel joists to comply with the roofing system Notice of Acceptance (NOA), replacing the structural deck of the classroom building roof due to the existing structure not being able to meet current code to support the new roofing system, addressing termite damage, replacement of deteriorated HVAC ductwork sections, replacement of an electrical panel and other electrical upgrades necessary, additional sloping required at the parking lot to ensure proper drainage, and the replacement of the HVAC system in Building No. 6, which broke down during construction, etc. Owner-requested changes included resiliency measures to improve energy efficiency by replacing aging fixtures with LED lighting throughout the complex, measures to harden the building envelope by installing impact resistant storefront windows and doors, new finishes and equipment to improve the user experience including interior paint, flooring and furniture systems, replacing the theater flooring and the non-functioning kiln, etc. For these changes, the contract duration has been extended by an additional 639 days, making the current contract completion date December 16, 2021. The project has been impacted by delays due to Covid-19-related staffing shortages and supply chain material delays. Throughout the process, Aarya has been extremely cooperative in seeking alternate solutions whenever possible and in accommodating the Owner’s requests, including working around the Center’s operational schedule.

The additional \$1,723,033.66 and 389 days being added through Change Order No. 6 are a result of both unforeseen conditions such as storm drainage repairs needed to alleviate ponding water and owner-requested changes such as renovating the Center's restrooms and upgrading the theatrical lighting and stage curtains, all of which are needed to successfully complete the project and provide the quality facility that the community deserves. Each individual request for additional costs and time is carefully reviewed by the Department to be consistent with industry comparable costs and time related to the scope changes. Adding these changes to Aarya’s contract takes advantage of the economies associated with the contractor’s familiarity with the buildings’ conditions and the fact that it already is mobilized on site. The various change orders, including additional costs and time, are summarized in Exhibit A.

Small Business Enterprise Measures

The Internal Services Department’s Small Business Development (SBD) Division has reviewed Aarya’s contract for compliance with the SBE measures and contracting requirements. Aarya was found to be in compliance with SBD requirements. See SBD memorandum dated May 2, 2022, attached hereto as Exhibit B.



Morris Copeland
Chief Community Services Officer

C18-CUA-AHCAC-R African Heritage Cultural Arts Center Renovations and Upgrades
Aarya Construction and Design, Inc.
Cost and Time Summary

Contract/ Change Order No.	Date	Description/Scope of Work	Cost	Revised Contract Amount	Duration	Revised Contract Duration	Contract Completion Date
Base Bid + Alternate A scope	March 14, 2019	The base bid scope included roofing replacement and new HVAC units and associated ductwork at all buildings except Building No.6 (Music Building) which had the newest construction in the complex, courtyard changes to remove the existing planters and landscape and raise the courtyard to one uniform level for the creation of an outdoor performance space, etc. Alternate A - parking lot paving and drainage improvements.	\$1,748,300.00	\$1,923,130.00	365	365	03/13/20
C. O. No. 1	July 30, 2019	Alternate C from permitted bid package: renovations in dance building to include relocation of emergency exit door to increase dance floor area, new sprung floor, reconfiguration of theater lobby to create a sound and light lock, addition of acoustical panels in the theater, new sliding security windows at the theater control booth, removal of roll-up door and replacement of windows in classroom building, etc.	\$542,200.00	\$2,465,330.00	90	455	06/15/20
C. O. No. 2	June 4, 2020	Various unforeseen conditions including: Replacement of the structural roof deck of Building No.2 due to roof structure not being able to meet current code to support a new roofing system, repair of broken pipes below ground, termite damage, replacement of deteriorated HVAC ductwork, etc. Owner requested changes included resiliency measures to improve energy efficiency with LED lighting at the Music Hall, interior paint throughout, flooring replacement, etc.	\$661,812.71	\$3,127,142.71	112	567	10/05/20
C. O. No. 3	October 7, 2020	Various unforeseen conditions such as additional mechanical attachments needed between the roof deck and steel joists to comply with the roofing system Notice of Acceptance (NOA), repair and replacement of underground piping for stormwater drainage, additional sloping required at the parking lots to ensure proper drainage, etc. Owner-requested improvements included additional LED lighting replacements, furniture systems, replacing the theater flooring, etc.	\$781,797.11	\$3,908,939.82	240	807	06/02/21
C. O. No. 4	May 28, 2021	Owner-requested improvements included resiliency measures to harden the building envelope by installing impact resistant storefront windows and doors, renovating the Center's bathrooms to include new finishes, cabinetry, partitions, lighting, fixtures and accessories, replacing and adding window shades for security and energy conservation, replacing the non-functioning kiln, etc. Unforeseen conditions included items such as replacing an electrical panel and other electrical upgrades necessary.	\$560,830.82	\$4,469,770.64	135	942	10/15/21
C. O. No. 5	October 14, 2021	Replacement of the HVAC systems for Building No.6, which broke down during construction, additional demolition required in the bathrooms for code compliance, etc. Owner-requested changes included new millwork throughout the Center, landscaping improvements, drapes to conceal the mirrors in the dance studio during performances, etc.	\$468,710.23	\$4,938,480.87	62	1004	12/16/21
C. O. No. 6		Unforeseen conditions addressed include various plumbing and storm drain repairs needed for alleviate water ponding and frequent back-ups, electrical repairs, etc. Owner requested changes include the balance of the scope for the renovation of all the facility's restrooms, theatrical lighting and stage curtains, etc.	\$1,723,033.66	\$6,661,514.53	389	1393	01/09/23

Memorandum



Date: May 2, 2022

To: Michael Spring, Director
Department of Cultural Affairs

From: Gary T. Hartfield, Director
Small Business Development Division
Internal Services Department

Subject: C18 CUA AHCAC-R: African Heritage Cultural Arts Center Renovation and Upgrades
- Change Order No. 6

A handwritten signature in blue ink, appearing to read "G. Hartfield", written over the "From:" field.

Change Order No. 6 to C18 CUA AHCAC-R: African Heritage Cultural Arts Center Renovation and Upgrades was reviewed for application of Small Business Enterprise (SBE) measures. The Change Order increases the contract value by \$1,723,033 and extends the time. The 30% SBE-Construction (SBE-Con) goal applies to Change Order No. 6.

The project was reviewed for compliance with the 30% SBE-Con goal, Responsible Wages and Benefits, 10% Community Workforce Program (CWP) goal, Residents First Training and Employment Program and Employ Miami-Dade (Employ MD) requirements. Resolution No. R-1001-15 (R-1001-15) requires County contracts with small business measures meet at least 85% of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for approval by the Board of County Commissioners.

The prime, Aarya Construction & Design, Inc. (Aarya), has requisitioned \$4,809,579 requiring \$1,226,442 be performed by the SBE-Con firms to comply with Resolution R-1001-15. The SBE-Con firms have performed \$1,901,418 in compliance with Resolution R-1001-15.

Aarya and its subcontractors are in compliance with the Responsible Wages and Benefits requirements. Aarya's workforce plan, accepted on March 11, 2019, reported four (4) contractors on the project with a total workforce of thirteen (13) employees and required one (1) CWP position for compliance with the 10% goal and two (2) Employ MD positions for compliance with the Employ MD goal. No employees have been approved to meet the CWP or Employ MD goals. Final compliance with the workforce requirements will be determined at project completion.

Please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153 for additional information.

c: Dorixis Batista, Capital Contract Manager, CUA
Marie Denis, Projects Chief, CUA
Eduardo Vivas, Construction Projects Manager, CUA
Alex Peraza, Construction Projects Manager, CUA
Stefania Barigelli, Construction Projects Manager, CUA
Alice Hidalgo-Gato, SBD Section Chief, ISD
Laurie Johnson, SBD Section Chief, ISD



MEMORANDUM

(Revised)

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

DATE: June 14, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(C)(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. 8(C)(3)
6-14-22

RESOLUTION NO. _____ R-577-22

RESOLUTION APPROVING CHANGE ORDER NO. 6 TO THE CONSTRUCTION CONTRACT BETWEEN MIAMI-DADE COUNTY AND AARYA DESIGN AND CONSTRUCTION, INC. IN THE AMOUNT OF \$1,723,033.66 FUNDED WITH BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND PROGRAM FUNDS AND A TIME EXTENSION OF 389 DAYS FOR PROJECT NO. C18-CUA-AHCAC-R FOR RENOVATIONS AND UPGRADES AT THE AFRICAN HERITAGE CULTURAL ARTS CENTER; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE ALL 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:

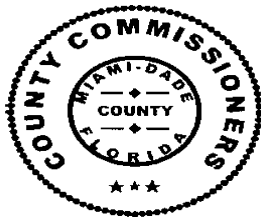
Section 1. The foregoing recitals are incorporated in this resolution and are approved.

Section 2. This Board approves Change Order No. 6 to the construction contract between Miami-Dade County and Aarya Construction and Design, Inc. in the amount of \$1,723,033.66 funded with Building Better Communities General Obligation Bond Program funds and a time extension of 389 days thereby resulting in a total contract amount of \$6,661,514.53 and total contract duration of 1393 days. This Board further authorizes the County Mayor or County Mayor's designee to execute Change Order No. 6 and to exercise all provisions contained therein. Change Order No. 6 is on file with the Department of Cultural Affairs and available for inspection upon request.

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 14th 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.

MRP

Monica Rizo Perez