

Memorandum



Date: October 6, 2022

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

From: Daniella Levine Cava
Mayor

Daniella Levine Cava
Consent Decree

Agenda Item No. 3(B)(12)

Resolution No. R-888-22

Subject: Resolution Ratifying the Action 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

EXECUTIVE SUMMARY

This item seeks ratification of Change Order No. 1 to Contract No. S-907 between Miami-Dade County and PCL Construction Inc. for Consent Decree Project CD 2.11- Electrical Improvements to Central District Wastewater Treatment Plant (CDWWTP) Effluent Pump Station. The Change Order provides for a 206-day time extension required to extend the contract duration due to extra work, delivery delays, hurricane preparedness and construction sequencing. This project was completed 6.8% below the total Contract amount, with savings on the amount of \$1,500,729.59.

RECOMMENDATION

It is recommended that the Board of County Commissioners (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 Acceleration Ordinance) for the funded project identified below and on Exhibit A, as attached.

CONSENT DECREE PROJECT

Item 1– Change Order No. 1 to Contract No. S-907 is for a 206-day time extension between the County and PCL for a project through which PCL was to furnish all materials, labor, and equipment necessary for the construction of electrical improvements at the Effluent Pump Station located within the CDWWTP on Virginia Key.

SCOPE

As shown on Exhibit A, which provides basic information about Change Order No. 1, the project is located within District 7, which is represented by Commissioner Raquel A. Regalado.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County. Change Order No. 1 provides for a time extension of 206 days with no additional monies.

DELEGATION OF AUTHORITY

This Contract was awarded pursuant to Section 2-8.2.12 of the Miami-Dade County Code related to WASD’s Consent Decree and Capital Improvement Programs 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’s Deputy Director of Capital Improvements, Marisela Aranguiz, P.E., will oversee the implementation of Change Order No. 1 to Contract S-907.

BACKGROUND

On September 3, 2014, the Board approved Ordinance No. 14-77 authorizing the County Mayor or County Mayor’s designee to award and amend contracts, negotiate and issue change orders for funded capital projects, and accelerate the approval of WASD’s: 1) Consent Decree projects, and 2) projects identified in WASD Multi-Year Capital Plan’s Capital Improvements Program, subject to ratification by the Board.

Change Order No. 1 was approved by the County Mayor or County Mayor’s designee on June 8, 2022.

CHANGE ORDER NO. 1

This Contract was awarded to PCL for a total amount of \$21,885,770.00 with a Contract duration of 500-calendar days for Final Completion and a Contingency Time Allowance of 50 days. The date of the Notice to Proceed was August 5, 2019, which established December 17, 2020 as the Contract’s original Final Completion Date.

During construction, the Miami-Dade Water and Sewer Department (WASD) approved a 50-day extension of time through the Contract’s Contingency Time Allowance, which revised the Contract’s Final Completion Date to February 5, 2021.

During the course of construction, seven (7) occurrences affected the Contract’s critical path:

- 1) Conduit Reroute and Water Line Encasement
- 2) Catwalk Modifications
- 3) Door Frame Delivery Delay
- 4) Hurricane Dorian
- 5) Delay on the installation of Temporary Feeder
- 6) Delays due to the Condition of Existing Pumps and Sequencing
- 7) East Catwalk Installation

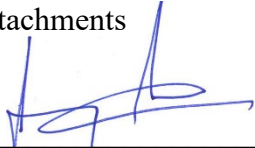
Change Order No. 1 to the Contract provides for a 206-day time extension, including 61 compensable days, and, accordingly, extends the Contract’s Substantial Completion date from December 7, 2020 to July 1, 2021 and Final Completion date from February 5, 2021 to August 30, 2021.

SMALL BUSINESS ENTERPRISE MEASURES

On April 8, 2022, prior to the issuance of Change Order No. 1, the Internal Services Department’s Small Business Development (SBD) Division reviewed Contract S-907 for compliance with a 2.52 percent Small Business Enterprise - Goods and Services (SBE-G/S) goal; a 10.67 percent SBE-Construction (SBE-Con) goal; and Responsible Wages and Benefits requirements and determined that PCL was in compliance. On SBD memo dated July 27, 2022 it is stated that PCL and its subcontractors are in compliance with the Responsible Wages and Benefits, Residents First Training and Employment Program and Employ Miami-Dade Program. See the SBD memorandum attached hereto as Exhibit B.

Exhibit C is the Change Order identified in this memorandum, which has been executed by the County Mayor or County Mayor’s designee in accordance with WASD’s Acceleration Ordinance. A copy of the original construction contract is available upon request from WASD’s Procurement Division.

Attachments



Jimmy Morales
Chief Operations Officer

Exhibit A

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

No.	Type of Solicit.	Contract No.	Project Name	Firm Awarded	Comm. District	Change Order Amount	Original Contract Amount	Funding Source(s)	Est. Start Date	Contract Measures	Brief Project Description
	Contract Type	Project No.				Change Order Time	Adjusted Contract Amount	Est. End Date			
1	County Bid Process; Construction Contract	Con-tract No. S-907	CD 2.11 CDWWTP Effluent Pump Station Electrical Improve-ments	PCL Construc-tion Inc.	District 7 (Raquel A. Regala-do)	\$0; 206-day time extension	Original Contract Amount \$21,865,770.00; Adjusted Contract Amount \$21,865,770.00	Future WASD Revenue Bonds; WASD Revenue Sold; Waste-water Renewal Fund	Notice to Proceed Start Date: 08/05/2019 Completion Date: 08/30/2021	SBE G/S - 2.52% SBE A/E - N/A SBE Const. - 10.67% CWP Prog. - N/A	This project consists of furnishing all materials, labor, and equipment necessary for the construction of electrical improvements at the Effluent Pump Station located within the CDWWTP, located in Virginia Key, 3989 Rickenbacker Causeway, in Miami-Dade County, Florida. *** This Change Order is for a 206-day of time extension.

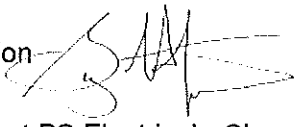
Exhibit B

Memorandum



Date: July 27, 2022

To: Roy Coley, Director
Miami-Dade Water and Sewer Department

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

Subject: Project No. S-907, CDWWTP Effluent PS Electrical - Change Order No. 1

Change Order No. 1 to Project No. S-907, CDWWTP Effluent PS Electrical was reviewed for application of Small Business Enterprise (SBE) measures. The Change Order is for a time extension only as such the measures remain the same on the contract.

The project was reviewed for compliance with the 10.67% Small Business Enterprise - Construction Services (SBE-Construction) and 2.52% Small Business Enterprise - Goods (SBE-Goods) goals, the Responsible Wages and Benefits requirements and the Resident's First Training and Employment and Employ Miami-Dade Programs requirements. Resolution No. R-1001-15 requires County contracts with small business measures meet at least 85 percent 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 Board approval. Resolution R-525-17 exempted change orders or amendments for non-compensatory time extensions from this requirement. Change Order No. 1 is for a time extension only, as such R-1001-15 does not apply.

The prime, PCL Construction, Inc. (PCL), has requisitioned \$19,959,477 requiring \$2,129,676 for compliance with the 10.67% SBE-Construction goal. The SBE-Construction subcontractors have been paid \$2,046,295. The prime reported \$215,523 in retainage remains to be paid at final payment to the subcontractors for a total SBE-Construction participation of \$2,261,818 in compliance with the SBE-Con goal. The 2.52% SBE-Goods goal is equal to \$502,979. The SBE-Goods subcontractor has performed and been paid \$797,879 in compliance with the SBE-Goods goal.

PCL and its subcontractors are in compliance with the Responsible Wages and Benefits, Residents First Training and Employment Program and Employ Miami-Dade Program. For additional information, please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153.

c: Marisela Aranguiz, Deputy Director, WASD
Patty Palomo, Chief, Intergovernmental Affairs and A/E Contracts Division, WASD
Margaret Moss, Chief, Small Business Initiatives, WASD
Edith Brown, Chief, Contract Compliance Division, WASD
Gary Clarke, Project Manager, WASD
Alice Hidalgo-Gato, SBD Section Chief, ISD
Rossi Siewnarine, SBD Section Chief, ISD

Exhibit C

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

Bond No. 6351490, 106872645, 82459819

MIAMI-DADE COUNTY, FLORIDA

WATER AND SEWER

CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: 1

CONTRACT NO: S-907

DATE: 3/29/2022

PROJECT TITLE: CD 2.11 CDWWTP Effluent Pump Station Electrical Improvements

TO CONTRACTOR: PCL CONSTRUCTION INC 1805 Ponce de Leon Blvd., Suite 201 Coral Gables, FL 33134

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:

Increase the Contract duration by 206 days

Monetary Justification:

Not Applicable

The money with the changes described will be paid through the Contract's Contingency Allowance Account

Time Justification:

This Contract was awarded to PCL Construction Inc. ("Contractor") for furnishing all materials, labor, and equipment necessary for the construction of electrical improvements at the Effluent Pump Station located within the Central District Wastewater Treatment Plant (CDWWTP), located in Virginia Key, 3989 Rickenbacker Causeway, in Miami-Dade County, Florida. The total award was (Continued below)

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-----	\$21,865,770.00
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$21,865,770.00
COST OF CHANGES WITH THIS DOCUMENT-----	\$0.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$21,865,770.00
PERCENT INCREASE WITH THIS CHANGE-----	0%
TOTAL PERCENT INCREASE TO DATE-----	0%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	500 / 0 / 206
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	50 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	756

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.

Organization	Name	Accepted By:	Title	Date
PCL CONSTRUCTION INC		Richard Hewitt	District Manager	4-14-2022
Fidelity and Deposit Company of Maryland		Authorized Signer	Contractor	
Travelers Casualty and Surety Company of America				
Surety			Surety	4-18-22
	Susan A. Welsh	Susan A. Welsh, Attorney-in-Fact		

Title	Name	Date
Approved By: County Attorney (for legal sufficiency)		5/16/22
Approved By: County Mayor		6-8-22
Attested By: Clerk of the Board		6-10-22



Time Justification: (Continued)

\$21,865,770.00 with a Contract duration of 500-calendar days for Final Completion and a Contingency Time Allowance of 50 days. The date of the Notice to Proceed was August 5, 2019, establishing December 17, 2020, as the Contract's original Final Completion Date. During construction, the Miami-Dade Water and Sewer Department (WASD) approved a 50-day extension of time through the Contract's Contingency Time Allowance, which revised the Contract Final Completion Date to February 5, 2021.

During the course of construction there were seven (7) incidents which affected the Contract's critical path.

Conduit Reroute and Water Line Encasement

During construction of the new Electrical Building, there was a conflict between the existing electrical ductbank conduit that feeds the Administration Building and two (2) Auger Cast Piles. The Engineer of Record (EOR) recommended that the ductbank be relocated. The Contract required a portion of an existing 20-inch potable water line to be concrete-encased to protect it during construction. However, the proposed Auger Cast Piles were too close to the water line to properly encase the pipe. The EOR, therefore, recommended that the water line be encased in a 36-inch steel casing to protect the line. The time associated with the reroute of the conduit and encasement of the water line in steel was 54 days— 50 non-compensable days were granted through the Contract's Contingency Time Allowance, and the remaining four (4) non-compensable days will be approved through this Change Order.

Catwalk Modifications

The Contract documents required the construction of a catwalk with a 40-inch clearance around the motors. WASD Operations informed the EOR that in order to perform Thermal Imaging Inspections of the motors, a 48-inch minimum clearance is required to meet the National Electric Code (NEC). The redesign, pricing, and revised submittals delayed the installation of the catwalk by five (5) calendar days. The cost for the redesigned catwalk (\$18,072.95) was paid through the Contract's Contingency Allowance. Five (5) non-compensable days will be approved through this Change Order.

Door Frame Delivery Delay

The manufacturer of the door frames reported delays in the fabrication of the frames due to material production, shipping delays, and personnel shortages due to the Covid-19 Pandemic. The postponed delivery of the door frames delayed the Contract by 36 non-compensable days, which will be approved through this Change Order.

Hurricane Dorian

On August 29, 2019, WASD issued a directive to the Contractor to secure the construction site per the Responsive Hurricane Preparedness Plan due to the impending threat of Hurricane Dorian. The work stoppage caused a 3-day delay. Three (3) non-compensable days will be approved through this Change Order.

Delay on the Installation of Temporary Feeder

According to the Contract documents and sequence of construction, while the new Electrical Building was being commissioned, there was to be a several month period when the Effluent Pump Station would not have power redundancy. Because a redundant power feeder considerably minimizes potential safety and environmental hazards if power is lost, it was determined that the installation of a temporary feeder was the best solution to provide redundant power during the start-up and commissioning period. The procurement and installation of the temporary feeder resulted in a 60-day delay. Award of 60 non-compensable days to the contractor will be approved through this Change Order.

Delays due to Existing Pumps Conditions and Sequencing

The Contract documents required the replacement of eight existing effluent pump motors. In order to maintain operations, only two of the eight motors could be out of service at the same time. In accordance with the original baseline schedule, the replacement of the motors was to start on December 15, 2020 with Pump Nos. 1 and 3 and finish on February 23, 2021 with Pump Nos. 7 and 8, which would have allowed the Contractor to achieve the original Substantial Completion Date of March 25, 2021.

Pump No. 5, however, had to be taken out of service by WASD Operations due to excessive vibrations that affected the sequencing of the replacement of the motors because, while Pump No. 5 was out of service, the contractor could only work on one other pump. Additionally, while Pump No. 1 was being checked for rotation, a grinding noise was noted, and the pump manufacturer recommended a full evaluation of the pump to determine its full operating condition. Consequently, having both Pump Nos. 1 and No. 5 out of service at the same time stopped all progression of work for the project until one or both pumps could be brought back online. As a result, the Contractor submitted a request for a 69-day compensable time extension caused by delays associated with the refurbishment of Pump Nos. 1 and No. 5.

After review, the Program Management/Construction Management Team (PMCM) recommended, and WASD agreed, that the Contractor be granted a 69-day time extension comprised of 23 non-compensable and 46 compensable days. The Contractor shall be compensated at the contractually-established liquidated indirect cost rate of \$2,000 per day for a total of \$92,000, which will be paid through the Contract's Contingency Allowance.

East Catwalk Installation

In preparation for demolition of the East catwalk, it was discovered that the Bubbler System had piping attached to the East catwalk. The Bubbler System is used to measure the level of the wet well in order to control the pumps. It was also noted that because the Bubbler System was necessary to measure the levels in the wet well, it could not be demolished. Therefore, the Bubbler System piping had to be relocated. The Contractor submitted a 29-day compensable time extension request for delays associated with the installation of the East catwalk based on the modifications needed to the Bubbler System. During this period, the Contractor did not perform any work because the installation of the East catwalk was the only pending activity.

After review of the Contractor's request for compensable time, the PMCM recommended, and WASD agreed, that the Contractor should be granted a 29-day time extension comprised of 14 non-compensable and 15 compensable days. The Contractor shall be compensated at the contractually-established liquidated indirect cost rate of \$2,000 per day for a total of \$30,000, which will be paid through the Contract's Contingency Allowance.

Conclusion

The time extensions identified above total 206 days and were individually evaluated and found to be non-concurrent and justifiable.

Change Order No. 1 to the Contract provides for 206-day time extension, including 61 days compensable days. Award of the 206-day time extension, extends the Contract's Substantial Completion Date from December 7, 2020 to July 1, 2021 and the Final Completion Date from February 5, 2021 to August 30, 2021.

This change order is revocable if not ratified by the Board of County Commissioners. In the event the Board of County Commissioners does not ratify this Change Order, the Contractor is not entitled to lost profits of other consequential or indirect damages; however, the Contractor is eligible for payment for any work done prior to failure of ratification.

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.



MEMORANDUM

(Revised)

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

DATE: October 6, 2022

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(B)(12)

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)(12)
10-6-22

RESOLUTION NO. R-888-22

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 CHANGE ORDER NO. 1 BETWEEN MIAMI-DADE COUNTY AND PCL CONSTRUCTION INC. FOR A 206-DAY TIME EXTENSION FOR CONTRACT NO. S-907- CD 2.11 ELECTRICAL IMPROVEMENTS TO CENTRAL DISTRICT WASTEWATER TREATMENT PLANT EFFLUENT PUMP; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

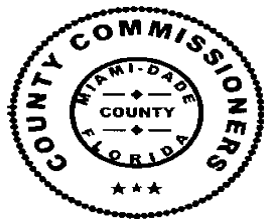
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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 Change Order No. 1 between Miami-Dade County and PCL Construction Inc. for a 206-day time extension for Contract S-907- CD 2.11 Electrical Improvements to Central District Wastewater Treatment Plant Effluent Pump Station; and authorizes the County Mayor or County Mayor's designee to exercise the provisions contained in Change Order No. 1, as further described in the accompanying memorandum and attachments thereto. The solicitation documents and contract are kept on file with and are available upon request from the Procurement Division of the Miami-Dade Water and Sewer Department.

The foregoing resolution was offered by Commissioner **Sally A. Heyman** , who moved its adoption. The motion was seconded by Commissioner **Keon Hardemon** 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	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	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 6th day of October, 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

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis