

Date: Janaury 17, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor



Agenda Item No. 8(O)(2)

Resolution No. R-28-23

Subject: Resolution Ratifying Change Order No. 1 to Contract No. W-943

EXECUTIVE SUMMARY

The item seeks ratification of Change Order No. 1 to Contract No. W-943 between Miami-Dade County and Magnum Construction Management, LLC d/b/a MCM ("MCM") for installation of a 36-inch ductile iron (DI) water main along NW 106th Street from NW 107th Avenue to NW South River Drive (the "Project"). The Change Order increases the Contract duration by 111 days and the Contract amount by \$700,309.00 due to unforeseen conditions. Specifically, after construction started, MCM discovered ammonia contamination along the pipe's corridor, which was not indicated on any reports used during the design of this project and materially changed the Contractor's means and methods for the pipe installation. Ratification of this Change Order will: (1) extend the Final Completion Date from November 14, 2022 to March 5, 2023; and (2) increase the total Contract amount from \$8,058,491.70 to \$8,758,800.70. A second change order will be presented to this Board for approval for the remaining balance of the increased costs to the Project associated with the unforeseen contamination.

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) ratify the action of the County Mayor or County Mayor's designee for the funded project. This recommendation has been prepared by the Miami-Dade Water and Sewer Department (WASD).

SCOPE

The scope of the Project is construction services to:

- Furnish and install approximately 10,900 linear feet (LF) of 36-inch DI watermain to increase fire flow protection in the northwest section of the County
- Utilize a Commercial Dive Team, equipped with specialized suits to safely navigate through the contaminated groundwater, for the installation of 8,400 LF of the Project length. This item is additional work needed to complete the scope of Contract due to unforeseen conditions and is the basis for the subject Change Order No. 1
- Obtain a Class V Dewatering Permit and install the remaining length of pipe (2,500 LF) via the open cut method utilizing traditional dewatering techniques

As shown in Exhibit A, this Project is located in District 12, which is represented by Commissioner Juan Carlos Bermudez

DELEGATED AUTHORITY

The 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 Program Acceleration Ordinance, which delegates authority to the County Mayor or County Mayor's designee to execute change orders that do not exceed ten percent of the base contract amount, subject to ratification by the Board.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact of Change Order No. 1 to the County is \$700,309.00, which WASD has determined is a fair and reasonable amount for the additional work described in Change Order No. 1.

Funding will be provided from Project Water – Pipes and Infrastructure, OMB No. 967190 on Page 87 of the Fiscal Year (FY) 2021 - 22 Adopted Budget and Multi-Year Capital Plan. The funding sources are Water Renewal and Replacement Fund, Revenue Bond Sold, and Future WASD Revenue Bonds.

TRACK RECORD/MONITORING

WASD Deputy Director, Planning Regulatory Compliance and Capital Infrastructure, Marisela Aranguiz, P.E., will oversee the implementation of Change Order No. 1 to Contract W-943.

BACKGROUND

Contract No. W-943 was awarded to MCM on May 17, 2021, and was ratified by the Board via Resolution No. R-820-21 on September 1, 2021. The total Contract award was \$8,058,491.70 with a Contract duration of 420-calendar days for Final Completion and a contingency time allowance of 42 days.

The date of the Notice to Proceed was September 20, 2021, which established November 14, 2022 as the Contract's original Final Completion Date.

CHANGE ORDER NO. 1-FINAL

After MCM was issued the Notice to Proceed and began construction, contamination, including a large amount of ammonia, was encountered unexpectedly along segments of the Project corridor. The contamination was not indicated in any reports (including a review by the County's Department of Regulatory & Economic Resources- "DERM") used during the planning and design phases of the Project. In addition to the design documents, these reports are utilized by Contractors as a basis for developing their bids. Because no risk of contamination was identified, the original bids included traditional means and methods of dewatering and open cut to install the new 36-inch DI water main.

Upon detection, MCM worked to determine the extent of the contamination, incurring costs related to groundwater sampling operations, as well as additional installation activities. MCM attempted to lessen the concentration of ammonia but was unable to do so within the acceptable target levels prior to dewatering. Therefore, a Class V Dewatering Permit was denied by DERM. The cost for the additional activities was \$639,208.07, which was paid from the Contract's Contingency Allowance. The time taken to perform the additional activities was 111 days.

Due to the levels of contamination found, MCM was unable to install the new 36-inch water main via open cut trench method with dewatering activities, as originally bid. This unforeseen condition was

determined to be present along 8,400 LF of the Project corridor, which represents approximately 75% of the total length for the Project.

After exhausting all dewatering options, the only method available to continue with the installation of the new water main was installation by a licensed commercial dive team. The dive team is equipped with specialized protective suits that allow them to safely navigate through contaminated groundwater. MCM submitted a cost proposal of \$2,609,882.56 for the installation of 8,400 LF of DI pipe by a dive team. WASD's Construction Management Division reviewed MCM's proposal and found the Change Order for these diving-related costs to be reasonable and necessary to minimize Project delays.

Pursuant to WASD's Acceleration Ordinance, the County Mayor or County Mayor's designee has the authority to approve change orders in an amount not to exceed 10% of the base contract amount and to seek ratification by the Board afterwards. Therefore, in an effort to continue with construction, to lessen the impact of the Project on the residents and businesses affected by the ongoing construction, and to avoid the costs the County would incur if MCM were forced to demobilize and subsequently remobilize while waiting for a change order, the County Mayor's designee approved Change Order No. 1 for \$700,309.00, which amount is within 10% of the Contract's base amount. Change Order No. 1 also extended the Contract duration by 111 days, thereby moving the Final Completion Date from November 14, 2022 to March 5, 2023.

A second change order will be presented to this Board for approval for the remaining balance of the increased costs to the Project associated with the unforeseen contamination.

Exhibit B is the Change Order No. 1 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 Contract is available upon request from WASD's Procurement Division.

SMALL BUSINESS ENTERPRISE MEASURES

On September 7, 2022, prior to the issuance of Change Order No. 1, the Internal Services Department's Small Business Development (SBD) Division reviewed Contract W-943 for compliance with a 15.65 percent Small Business Enterprise - Construction (SBE-Con) Goal, 4.00 percent Small Business Enterprise - Goods and Services (SBE-Goods) Goal, Responsible Wages and Benefits Program, the Resident's First Training and Employment requirement, the Employ Miami-Dade requirement, and Resolution R-1001-15. SBD determined that MCM was in compliance with all requirements with the exception of Resolution R-1001-15 as it relates to the SBE-Con Goal. The SBE-Con deficiency is a result of the unforeseen contamination along the Project corridor, which triggered a major change in the means and methods for the Project. MCM has committed to work with SBD and WASD staff to identify additional scopes of work for SBE participation in order to mitigate the SBE deficiency. Compliance will be determined at the time of Project completion. See the SBD memorandum attached hereto as Exhibit C.



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		
MDC004	County Bid Process; Construction Contract	Contract No. W-943	Furnish and Install 36-Inch Ductile Iron (D.I.) Water Main along NW 106 Street from NW 107 Avenue to NW South River Drive	Magnum Construction Management, LLC d/b/a/ MCM	District 12 (Juan Carlos Bermudez)	\$700,309.00; 111-day time extension	Original Contract Amount \$8,058,491.70; Adjusted Contract Amount \$8,758,800.70	Water Renewal and Replacement Fund, Revenue Bond Sold; and Future WASD Revenue Bonds	Notice to Proceed Start Date: 09/20/2021 Completion Date: 03/05/2023	SBE G/S - 15.65% SBE A/E - N/A SBE Const. - 4.00% CWP Prog. - N/A	This project is to construct a 36-Inch Ductile Iron Water Main along NW 106 Street from NW 107 Avenue to NW South River Drive. *** This Change Order is for a 111-day time extension and an increase to the contract amount of \$700,309.00.

Exhibit B

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

MIAMI-DADE COUNTY, FLORIDA WATER AND SEWER CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: 1 CONTRACT NO: W-943 DATE: 9/15/2022
PROJECT TITLE: Furnish and Install 36-Inch D.I. Water Main along NW 106 St., from NW 107 Ave. to NW South River Dr.
TO CONTRACTOR: Magnum Construction Management, LLC dba MCM 6201 SW 70 ST, 1st Floor Miami, FL 33143

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: Increases the Contract amount by \$700,309 and the Contract duration by 111 days due to unforeseen contamination

Monetary Justification: Contract W-943 was awarded to MCM on May 17, 2021 and ratified by the Board via Resolution No. R-820-21. The total Contract award was \$8,058,491.70 with a Contract duration of 420-calendar days for Final Completion and a Contingency Time Allowance of 42 days.

The date of the Notice to Proceed was September 20, 2021, which established November 14, 2022, as the Contract's original Final Completion Date. (Continued below)

Time Justification: Prior to the denial of the Class V permit by RER, MCM incurred costs related to groundwater sampling operations to determine the extent of the contamination as well as additional installation activities. The cost for the additional dewatering activities was \$639,208.07, which was paid from the Contract's Contingency Allowance. The time taken to perform the additional dewatering (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-----	\$8,058,491.70
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$8,058,491.70
COST OF CHANGES WITH THIS DOCUMENT-----	\$700,309.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$8,758,800.70
PERCENT INCREASE WITH THIS CHANGE-----	9%
TOTAL PERCENT INCREASE TO DATE-----	9%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	420 / 0 / 111
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	42 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	573

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
Magnum Construction Management, LLC dba MCM		*		9-26-22
Contractor				

Subject to Reservation of Rights Attached

Surety

United States Fire Insurance Company

Surety

William Griffin, Attorney In Fact

9/26/2022

Title
Approved By: County Attorney
(for legal sufficiency)

Name

Date

Approved By: County Mayor

Attested By: Clerk of the Board

Signature
Jimmy Morales

10/4/22
10/5/22
10/6/2022
10/11/22



Time Justification: (Continued)

activities was 111 days. Through this Change Order No. 1, the Contract duration will be extended by 111 days, thereby moving the Final Completion Date from November 14, 2022 to March 5, 2023.

Monetary Justification: (Continued)

After MCM began construction, contamination, including a large amount of ammonia, was encountered unexpectedly along segments of the Project corridor. The contamination was not indicated on any reports used during the planning and design phases of the Project. Due to the levels of contamination found, MCM was unable to install the new 36-inch water main via open cut trench method with dewatering activities. MCM first tried to lessen the concentration of ammonia but was unable to do so within the acceptable target levels prior to dewatering. Therefore, a Class V dewatering permit was denied by the County's Department of Regulatory & Economic Resources (DER).

After MCM exhausted all dewatering options, the only method available to continue with the installation of the new water main was installation of the pipe by a licensed commercial dive team. The dive team is equipped with specialized protective suits that allow them to safely navigate through contaminated groundwater.

MCM submitted a cost proposal of \$2,609,882.56 for the installation of 8,400 linear feet (LF) of DI pipe by a dive team, which represents approximately 75% of the total length of the pipe being installed through the Project. WASH's Construction Management division reviewed MCM's proposal and found Change Order No. 1 for these diving-related costs to be reasonable and necessary to minimize Project delays.

Pursuant to WASH's Acceleration Ordinance, the County Mayor or County Mayor's designee has the authority to approve change orders in an amount not to exceed 10% of the base contract amount and to seek ratification by the Board afterwards. Therefore, in an effort to continue with construction, to lessen the impact of the Project on the residents and businesses affected by the ongoing construction, and to avoid the costs the County would incur if MCM were forced to demobilize and subsequently remobilize while waiting for a change order, the County Mayor's designee approved Change Order No. 1 for \$700,309.00, which amount is within 10% of the Contract's base amount.

A second change order will be presented to this Board for approval for the remaining balance of the increased costs to the Project associated with the unforeseen contamination.

The Contractor reserves its rights in connection with the work related to the contamination described in this Change Order because the project is not complete, and the work is on-going.

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.



Reservation of Rights

The bold boiler plate release language and description of costs included in the Change Order do not apply. The project is not completed, and the work associated with unforeseen contamination is ongoing. As per the Monetary Justification "A second change order will be presented to this board for approval for the remaining balance of the increased costs to the Project associated with the unforeseen contamination." Also, for clarity, the 111 days are for delay impacts prior to March 18, 2022.

A **STRONGCORE** COMPANY

6201 SW 70th Street, 1st Floor, Miami, FL 33143

Phone 305.541.0000 Fax 305.541.9771

MDC007

**POWER OF ATTORNEY
UNITED STATES FIRE INSURANCE COMPANY
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY**

01134

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint:

William Griffin, Michael Marino, Ricardo Davila, Vivian Santiago

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at its principal office, in amounts or penalties: **Fifty Million Dollars (\$50,000,000).**

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article III thereof, which Articles provide, in pertinent part:

Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:

- (a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;
- (b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III, Officers, Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 28th day of September, 2021.

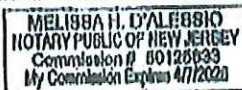
UNITED STATES FIRE INSURANCE COMPANY



Matthew B. Lubin, President

State of New Jersey)
County of Morris)

On this 28th day of September, 2021, before me, a Notary public of the State of New Jersey, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.



Melissa H. D'Alessio (Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 26th day of September 2022.

UNITED STATES FIRE INSURANCE COMPANY



Michael C. Fay, Senior Vice President

Memorandum



Date: September 7, 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. TW943, Furnish and Install 36-Inch D.I. Water Main along NW 106 St, from NW 107 Ave to NW South River Drive

Change Order No. 1 to Project No. TW943 was reviewed for application of Small Business Enterprise (SBE) measures. The change order increases the contract value by \$700,309 and provides for a 111 day time extension. The awarded SBE goals will apply to this change order.

The project was reviewed for compliance with the 15.65% Small Business Enterprise – Construction Services (SBE-Con) goal, the 4.00% Small Business Enterprise – Goods (SBE-Goods) goal, the Responsible Wages and Benefits program, the Resident's First Training and Employment requirement, the Employ Miami-Dade requirement, and Resolution R-1001-15.

Resolution R-1001-15 requires 85% of the SBE goal applicable to the portion of the contract work performed to date be met before the Board of County Commissioners (BCC) considers a change order/amendment. Items with small business measures which failed to meet this minimum threshold or equivalent percentage must clearly explain (i) the circumstances as to why the goal(s) was not achieved, (ii) steps taken by the prime contractor(s) and the contracting department to meet the goal(s), and (iii) how the small business goal(s) will be achieved in the change order or contract amendment, or the proposed change order or contract amendment cannot be considered by the Board for approval.

The prime contractor, Magnum Construction Management (MCM), reported it has performed/requisitioned \$4,128,154 requiring the SBE-Con firms to have performed \$549,148 and SBE-Goods firms to have performed \$140,357 for compliance with Resolution R-1001-15. To date, the SBE-Con firms have performed \$109,877 and the SBE-Goods firm has performed \$562,000. As such, the prime is not in compliance with Resolution R-1001-15 as it relates to the 15.65% SBE-Con goal.

Attached hereto is correspondence from MCM dated August 29, 2022 addressing items (i) through (iii) above. MCM explains that the SBE-Con deficiency is a result of unforeseen contamination along the project corridor which triggered a major change in the means and methods originally projected. MCM has committed to work with staff at Small Business Development (SBD), a Division of the Internal Services Department and the Water & Sewer Department (WASD) to identify additional scopes of work for SBE participation to mitigate the SBE deficiency in addition to the ongoing services provided by some of the originally identified SBEs. Compliance with the goal will be determined at project completion.

Memorandum – Roy Coley
Contract No. TW943
Page 2

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

Attachments: Magnum Construction Management, Inc. correspondence dated August 29, 2022

c: Marisela Aranguiz, Deputy Director, WASD
Juan Curiel, Chief, Pipeline and Pump Station Construction, WASD
Laura Verdaguer, Legislative and Municipal Affairs Special Assistant, WASD
Margaret Moss, Chief, Small Business Initiatives, WASD
Edith Brown, Chief, Contract Compliance Division, WASD
Donna Palmer, SPA 1, WASD
Miguel Pichardo, Project Manager, WASD
Jose Alvarez, Project Manager, WASD
Alice Hidalgo-Gato, SBD Section Chief, ISD

Bravo-Soriano, Yanira (ISD)

From: Alejandro L. Munilla, P.E. <amunilla@mcm-us.com>
Sent: Monday, August 29, 2022 4:27 PM
To: Bravo-Soriano, Yanira (ISD); Daniel F. Munilla
Cc: Hidalgo-Gato, Alice (ISD); Perez, Dayron (ISD); Tanner, John (ISD); Curiel, Juan A. (WASD); Pichardo, Miguel (WASD); Alvarez, Jose E. (WASD); Brown, Edith D. (WASD)
Subject: RE: Contract No. TW943

EMAIL RECEIVED FROM EXTERNAL SOURCE

Hi Yanira,

Please see responses below for:

- i) the circumstances as to why the goal(s) was not achieved,
 - ii) steps taken by the prime contractor(s) and the contracting department to meet the goal(s), and
 - iii) how the small business goal(s) will be achieved in the change order or contract amendment, or the proposed change order or contract amendment cannot be considered by the Board for approval.
-
1. Due to the unforeseen contamination along the project corridor, pipe installation can now only be performed with a 5 man dive team. Since pipe now needs to be installed with a 5 man dive team, the risks of pipe leaks have increased significantly. MCM intended to use ADA and Pabon Engineering for pipe installation. Combined, they comprised of 13.62% of the required 15.65% of our SBE Construction. Please note that Pabon Engineering had other scopes of work they were also contracted for, but they have indicated they can't perform the other work, without performing the pipe installation.
 2. MCM has reached out to other subcontractors (Maestre & Jormak Equip) with the required experience to see if they would be willing to perform the installation of the 36" WM. We have been unable to find a SBE pipe installer willing to perform this work. MCM has also reached out to other subs for other scopes of work and has been able to increase participation in Vac Truck Services & Sod Installation, etc., but these scopes are of much smaller amounts than the pipe installation scope.
 3. The change order includes the use of Vac Truck Services and Misc. Steel Fabrication. MCM has contracted the SBE-C Flo Tech (\$117,000) & SBE-S M&M Steel Corp (\$23,200) for this work.

Let me know if you need anything else.

ALEJANDRO L. MUNILLA, P.E.
PH: 305-541-0000 | M: 786-295-9391
amunilla@mcm-us.com

From: Bravo-Soriano, Yanira (ISD) <Yanira.Bravo-Soriano@miamidade.gov>
Sent: Monday, August 29, 2022 3:42 PM
To: Alejandro L. Munilla, P.E. <amunilla@mcm-us.com>; Daniel F. Munilla <dmunilla@mcm-us.com>
Cc: Hidalgo-Gato, Alice (ISD) <Alice.Hidalgo-Gato@miamidade.gov>; dayron.perez <dayron.perez@miamidade.gov>; Tanner, John (ISD) <John.Tanner@miamidade.gov>; Curiel, Juan A. (WASD) <Juan.Curiel@miamidade.gov>; Pichardo, Miguel (WASD) <Miguel.Pichardo@miamidade.gov>; Alvarez, Jose E. (WASD) <Jose.Alvarez3@miamidade.gov>; Brown, Edith D. (WASD) <Edith.Brown@miamidade.gov>
Subject: RE: Contract No. TW943
Importance: High

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon Alejandro,

Please review below information and provide a response, SBD will not be able to process the Change Order without a response from MCM. Thank you

Yanira Bravo-Soriano, Contract Compliance Officer II
Miami-Dade County Internal Services Department
Small Business Development Division
111 N.W. 1st Street, 19th Floor
Miami, Florida 33128
☎ (305) 375-3108: 📠 (305) 375-3160

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"The meaning of life is to find your gift. To find your gift is happiness." - Terry Pratchett

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From: Bravo-Soriano, Yanira (ISD)
Sent: Thursday, August 25, 2022 1:54 PM
To: Alejandro L. Munilla, P.E. <amunilla@mcm-us.com>; Daniel F. Munilla <dmunilla@mcm-us.com>
Cc: Hidalgo-Gato, Alice (ISD) <Alice.Hidalgo-Gato@miamidade.gov>; Pérez, Dayron (ISD) <Dayron.Perez@miamidade.gov>; Tanner, John (ISD) <John.Tanner@miamidade.gov>; Curiel, Juan A. (WASD) <Juan.Curiel@miamidade.gov>; Pichardo, Miguel (WASD) <Miguel.Pichardo@miamidade.gov>; Alvarez, Jose E. (WASD) <Jose.Alvarez3@miamidade.gov>
Subject: Contract No. TW943
Importance: High

Good afternoon Alejandro,

SBD is reviewing for Change Order No. 1, the Small Business Enterprise – Construction (SBE-Con) Code requires that SBD review for compliance with the SBE-Con goal. Resolution R-1001-15 requires County contracts with small business measures to 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 the Board approval.

Items with small business measures which failed to meet this minimum threshold or equivalent percentage must clearly explain (i) the circumstances as to why the goal(s) was not achieved, (ii) steps taken by the prime contractor(s) and the contracting department to meet the goal(s), and (iii) how the small business goal(s) will be achieved in the change order or contract amendment, or the proposed change order or contract amendment cannot be considered by the Board for approval.



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: January 17, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(2)

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(O)(2)
1-17-23

RESOLUTION NO. _____ R-28-23

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 TO CONTRACT NO. W-943 BETWEEN MIAMI-DADE COUNTY AND MAGNUM CONSTRUCTION MANAGEMENT, LLC D/B/A MCM, WHICH INCREASES THE CONTRACT AMOUNT BY \$700,309.00 AND THE CONTRACT DURATION BY 111 DAYS; 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,

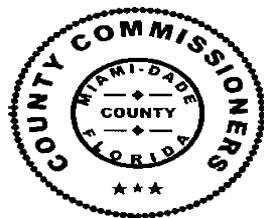
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies the action of the County Mayor or County Mayor's designee, as authorized by section 2-8.2.12 of the Code of Miami-Dade County, approving Change Order No. 1 to Contract W-943, Furnish and Install 36-Inch Ductile Iron (D.I.) Water Main along NW 106 Street, from NW 107 Avenue to NW South River Drive, between Miami-Dade County and Magnum Construction Management, LLC d/b/a MCM. Change Order No. 1 increases the Contract's amount by \$700,309.00 and the Contract's duration by 111 days. The Board also 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 **Raquel A. Regalado**, who moved its adoption. The motion was seconded by Commissioner **Juan Carlos Bermudez** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 17th day of January, 2023. 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

LUIS G. MONTALDO, CLERK AD INTERIM

By: **Basia Pruna**

Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis