

MEMORANDUM

Agenda Item No. 8(N)(5)

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

DATE: March 7, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the
County Mayor to execute Change
Order No. 2 between Lead
Engineering Contractors, LLC
and Miami-Dade County for the
project titled Design-Build
Services – Phase 2 - The
Underline, Contract No. CIP178-
DTPW18-CT2, increasing the
contract amount by \$520,319.82,
resulting in a total contract
amount of \$18,192,874.34

Resolution No. R-175-23

The accompanying resolution was prepared by Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Raquel A. Regalado.



Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: March 7, 2023

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

From: Daniella Levine Cava
Mayor 

Subject: Change Order No. 2 for Design-Build Services – Phase 2 - The Underline - Project No. CIP178; Contract No. CIP178-DTPW18-CT2, to Lead Engineering Contractors, LLC

Executive Summary:

The purpose of this item is to gain approval from the Board of County Commissioners (Board) to increase the contract amount by \$520,319.82. This Change Order will cover the expenses for the design, permitting and installation of the infrastructure for a future WiFi system underneath the Metrorail Guideway from SW 19 Avenue to SW 13 Street.

The project's original scope did not include the installation of the WiFi infrastructure. Additional funding was identified for the purpose of including Wi-Fi infrastructure to the Underline Phase 2 project. Funding for the Underline WiFi was included as an amendment to the Miami-Dade County Rescue Plan, approved on September 28, 2021. The Knight Foundation and the State also contributed to the project to fund the incorporation of this enhancement.

The WiFi service itself is being donated by Hotwire Communications. The WiFi infrastructure will be capable of supporting cameras in the future; furthermore, the WiFi will enhance the viability of cameras and other devices along the corridor in the future. The benefits of this Change Order for WiFi infrastructure include alignment with the Federal government's initiatives for Economic and Social Impact projects focused in unserved and underserved neighborhoods, at libraries, parks and other community settings to assist individuals access technology for essential uses. This Change Order also has the benefit of demonstrating the full utility of the Underline as a multimodal corridor.

Recommendation

This Change Order No. 2 for Contract No. CIP178-DTPW18-CT2 between Lead Engineering Contractors, LLC and Miami-Dade County has been prepared by the Department of Transportation and Public Works (DTPW) and is recommended for approval by the Board pursuant to Section 2-8.1 of the County Code. Change Order No. 2 increases the contract amount by \$520,319.82, resulting in a total contract amount of \$18,192,874.34, to cover the design, permitting and installation of a WiFi system underneath the Metrorail Guideway from SW 19 Avenue to SW 13 Street.

Delegated Authority

In accordance with Section 2-8.3 of the Code related to identifying delegation of Board authority, there are no authorities beyond that specified in the original resolution, which includes authority for the County Mayor or County Mayor's Designee to execute this change order.

Scope

The project consists of design-build services for Phase 2 of the Underline for approximately 2.14 miles of improvements running within or parallel to the County's Metrorail Right-of-Way and includes separate paved off-street bicycle and pedestrian paths, landscaping, lighting, street furniture, wayfinding signage, and pavement markings. Services include, but are not limited to: civil design; landscaping design; electrical design; surveys; geotechnical; permitting; signage; public meetings; coordination of design with utility companies, the County, and the City of Miami; archeological monitoring; environmental investigation remediation, and reporting; construction; compliance with grants and submittal requirements for the Florida Department of Transportation; and any ancillary tasks necessary to build the project and comply with the NEPA Category 1 exclusion requirements. The Underline Project, once all phases are completed, will be a 10-mile linear mobility corridor below the Metrorail.

Fiscal Impact/Funding Source

The total fiscal impact of Change Order No. 2 (Project No. 2000000133 and Program No. 3001571 –CIP178-DTPW18-CT2) is \$520,319.82, resulting in a total contract amount of \$18,192,874.34. This change order project's funding is ARPA Fund Code ET004 in the amount of \$ 433,599.20 and Knight Foundation Fund Code ET004 in the amount of \$ 86,720. Department code: TPCP010000.

Track Record/Monitor

Lead Engineering Contractors, LLC has an interim evaluation rate of 2.8 out of 4 on the Capital Improvements Information System. George L. Maldonado, DTPW Construction Manager 2, is responsible for the project's implementation and administration.

Background

This change order is for the design, permitting and installation of the infrastructure for a future WiFi system underneath the Metrorail Guideway from SW 19 Avenue to SW 13 Street. The infrastructure will also be designed to accommodate a future CCTV system as an added safety enhancement. The work includes but is not limited to: all necessary engineering design, surveying, all equipment, all labor and materials for the installation of conduits, pull boxes, conductors, circuit breakers, grounding, poles, multi-chamber poles, and wall-mounted components.

Monetary Justification:

The project's original scope did not include the installation of the WiFi infrastructure. Additional funding was identified for the purpose of including WiFi infrastructure to the Underline Phase 2 project. This change order proposes to include the infrastructure for contiguous and universal free WiFi all along the Underline from SW 19 Avenue to SW 13 Street. Below are the benefits from providing this service:

1. The Federal government seeks to improve free broadband internet access providing more equitable access to lower-income households.

2. The Underline includes educational programs with deep content about the environment, history, resiliency and culture. These programs can take place remotely over WiFi. With the added scope of this change order, education opportunities can take place all along the Underline, not only at the amenity areas. Contiguous WiFi enables device services for innovative teaching techniques based on collaboration and interactive learning. Furthermore, free wireless services enables education techniques that can be at the fingertips of anyone and anywhere, which increases digital inclusion.
3. In addition to the educational programs, there is also the opportunity to link certain characteristics of the Underline via QR codes enriching the visitor experience. These elements could include learning about bio-swales, butterfly gardens, and the ecosystem of a particular area along The Underline.
4. Since the Underline is a multi-modal corridor serving as the first and last mile to many trips, free WiFi allows patrons to get real time information on arrivals and departures to assist in planning their trips accordingly.
5. Wi-Fi along the corridor allows its users to download information about the project, project features, maps, and free community events.
6. Smart cities are deploying free WiFi as part of public spaces which increases the empowerment of their communities with better services.
7. Contiguous and universal Wi-Fi provides the platform to develop and pioneer the use of technology to make public spaces more sustainable long term.

There is no change in the 10.6% Disadvantaged Business Enterprise (DBE) goal applied to this project. As such, Lead Engineering Contractors, LLC shall continue to take all necessary steps towards remaining compliant in achieving the DBE goal as stipulated in 49 Code of Federal Regulations Part 26 and FDOT's DBE Program Subpart B for DBE participation. DTPW-DBE will continue to work closely with the State and Lead Engineering Contractors, LLC's subcontractors as it self-reports the DBE participation through the State's Equal Employment Opportunity program.

Due Diligence

Pursuant to Resolution No. R-187-12 and in accordance with the Internal Services Department's Procurement Guidelines, DTPW staff exercised due diligence to determine Contractor responsibility for Lead Engineering Contractors, LLC. According to the Small Business Development Division (SBD), there has been no violations on record for the last three years from Lead Engineering Contractors, LLC. According to the Firm History Report provided by SBD, within the last three years, Lead Engineering Contractors, LLC has not held any contracts with Miami-Dade County.

**DEPARTMENT
FINANCE:**

DTPW FINANCE OFFICER

DATE

INDEX CODES: ET004

**BUDGET
APPROVAL
FUNDS AVAILABLE:**

OMB DIRECTOR

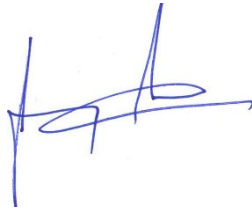
DATE

**APPROVED AS LEGAL
SUFFICIENCY:**

OFFICE OF COUNTY ATTORNEY

DATE

**APPROVED
PURSUANT TO
SECTION 2-8.1 OF
THE MIAMI-DADE**



COUNTY CODE:

DEPUTY MAYOR

01/20/2023

DATE

CLERK:

DATE



MEMORANDUM

(Revised)

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

DATE: March 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(5)

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(N)(5)
3-7-23

RESOLUTION NO. _____ R-175-23

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 2 BETWEEN LEAD ENGINEERING CONTRACTORS, LLC AND MIAMI-DADE COUNTY FOR THE PROJECT TITLED DESIGN-BUILD SERVICES – PHASE 2 - THE UNDERLINE, CONTRACT NO. CIP178-DTPW18-CT2, INCREASING THE CONTRACT AMOUNT BY \$520,319.82, RESULTING IN A TOTAL CONTRACT AMOUNT OF \$18,192,874.34

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

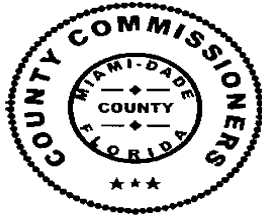
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the County Mayor or County Mayor's designee to execute Change Order No. 2 between Lead Engineering Contractors, LLC and Miami-Dade County for the project titled Design-Build Services – Phase 2 - The Underline. Contract No. CIP178-DTPW18-CT2, increasing the contract amount by \$520,319.82, resulting in a total contract amount of \$18,192,874.34.

The foregoing resolution was offered by Commissioner **Raquel A. Regalado** , who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins** 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	absent
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 7th day of March, 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.

Bruce Libhaber

MIAMI-DADE COUNTY, FLORIDA

DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS

CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: 2

CONTRACT NO: CIP178-DTPW18-CT2

DATE: 4/21/2022

PROJECT TITLE: Design-Build Services – Phase 2 - The Underline

TO CONTRACTOR: LEAD ENGINEERING CONTRACTORS, LLC 5757 Blue Lagoon Drive, Suite 240 Miami, FL 33126

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:

This change order is for the design, permitting and installation of the infrastructure for a future Wi-Fi system underneath the Metrorail Guideway from SW 19 Avenue to SW 13 Street. The infrastructure will also be designed to accommodate a future CCTV system as an added safety enhancement. The work includes but is not limited to: All necessary engineering design, surveying, all equipment, all labor and materials for the installation of conduits, pull boxes, conductors, circuit breakers, grounding, poles, multi-chamber poles, and wall-mounted components. (Continued below)

Monetary Justification:

The project's original scope did not include the installation of the Wi-Fi Infrastructure. Additional funding was identified for the purpose of including Wi-Fi Infrastructure to the Underline Phase 2 project. This change order proposes to include the infrastructure for contiguous and universal free Wi-Fi all along the Underline from SW 19 Avenue to SW 13 Street. Below are the ben (Continued below)

Time Justification:

This change order does not increase the contract time.

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-----	\$16,184,835.60
COST OF CHANGES PREVIOUSLY ORDERED-----	\$1,487,718.92
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$17,672,554.52
COST OF CHANGES WITH THIS DOCUMENT-----	\$520,319.82
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$18,192,874.34
PERCENT INCREASE WITH THIS CHANGE-----	3%
TOTAL PERCENT INCREASE TO DATE-----	12%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	960 / 0 / 0
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	96 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	1056

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.

Accepted By:

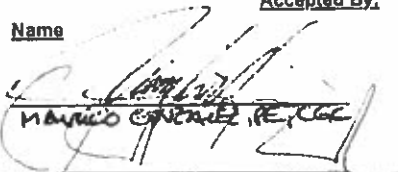
Organization

Name

Title

Date

**LEAD ENGINEERING
CONTRACTORS, LLC**


Charles J. Nielson Attorney-In-Fact

Contractor

9/12/22

Surety

September 14, 2022

Surety
Berkshire Hathaway Specialty
Insurance Company

Title

Name

Date

Approved By: **County Attorney**
(for legal sufficiency)

Approved By: **County Mayor**

Attested By: **Clerk of the Board**

Description of work authorized: (Continued)

MDC009



Berkshire Hathaway
Specialty Insurance

47-SUR-300057-01-0016

Power Of Attorney

BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY NATIONAL INDEMNITY COMPANY / NATIONAL LIABILITY & FIRE INSURANCE COMPANY

Know all men by these presents, that **BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY**, a corporation existing under and by virtue of the laws of the State of Nebraska and having an office at One Lincoln Street, 23rd Floor, Boston, Massachusetts 02111, **NATIONAL INDEMNITY COMPANY**, a corporation existing under and by virtue of the laws of the State of Nebraska and having an office at 3024 Harney Street, Omaha, Nebraska 68131 and **NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, a corporation existing under and by virtue of the laws of the State of Connecticut and having an office at 100 First Stamford Place, Stamford, Connecticut 06902 (hereinafter collectively the "Companies"), pursuant to and by the authority granted as set forth herein, do hereby name, constitute and appoint: Charles J. Nielson, Shawn Burton, David Hoover, Charles D. Nielson, Laura Mosholder, 15050 NW 79th Court, Suite 200, of the city of Miami Lakes, State of Florida, their true and lawful attorney(s) in fact to make, execute, seal, acknowledge and deliver, for and on their behalf as surety and as their act and deed, any and all undertakings, bonds, or other such writings obligatory in the nature thereof, in pursuance of these presents, the execution of which shall be as binding upon the Companies as if it has been duly signed and executed by their regularly elected officers in their own proper persons. This authority for the Attorney-in-Fact shall be limited to the execution of the attached bond(s) or other such writings obligatory in the nature thereof.

In witness whereof, this Power of Attorney has been subscribed by an authorized officer of the Companies, and the corporate seals of the Companies have been affixed hereto this date of December 20, 2018. This Power of Attorney is made and executed pursuant to and by authority of the Bylaws, Resolutions of the Board of Directors, and other Authorizations of **BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY**, **NATIONAL INDEMNITY COMPANY** and **NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, which are in full force and effect, each reading as appears on the back page of this Power of Attorney, respectively. The following signature by an authorized officer of the Company may be a facsimile, which shall be deemed the equivalent of and constitute the written signature of such officer of the Company for all purposes regarding this Power of Attorney, including satisfaction of any signature requirements on any and all undertakings, bonds, or other such writings obligatory in the nature thereof, to which this Power of Attorney applies.

**BERKSHIRE HATHAWAY SPECIALTY
INSURANCE COMPANY,**

By:

David Fields, Executive Vice President



**NATIONAL INDEMNITY COMPANY,
NATIONAL LIABILITY & FIRE INSURANCE COMPANY,**

By:

David Fields, Vice President

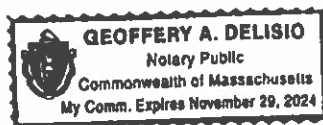


NOTARY

State of Massachusetts, County of Suffolk, ss:

On this 20th day of December, 2018, before me appeared David Fields, Executive Vice President of **BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY** and Vice President of **NATIONAL INDEMNITY COMPANY** and **NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, who being duly sworn, says that his capacity is as designated above for such Companies; that he knows the corporate seals of the Companies; that the seals affixed to the foregoing instrument are such corporate seals, that they were affixed by order of the board of directors or other governing body of said Companies pursuant to its Bylaws, Resolutions and other Authorizations, and that he signed said instrument in that capacity of said Companies.

[Notary Seal]



Notary Public

I, Ralph Tortorella, the undersigned, Officer of **BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY**, **NATIONAL INDEMNITY COMPANY** and **NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies which is in full force and effect and has not been revoked. IN TESTIMONY WHEREOF, see hereunto affixed the seals of said Companies this September 13, 2022.



Officer

To verify the authenticity of this Power of Attorney please contact us at: BHSI Surety Department, Berkshire Hathaway Specialty Insurance Company, One Lincoln Street, 23rd Floor Boston, MA 02111 | (770) 625-2516 or by email at Jennifer.Porter@bhscity.com THIS POWER OF ATTORNEY IS VOID IF ALTERED To notify us of a claim please contact us on our 24-hour toll free number at (855) 453-9675, via email at claimsnotice@bhscity.com, via fax to (617) 507-8259, or via mail.