

Date: July 6, 2023

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

From: Daniela Levine-Cava
Mayor



Agenda Item No. 3(B)(1)

Resolution No. R-570-23

Subject: Resolution Ratifying Change Order No. 1 to Contract No. S-896

EXECUTIVE SUMMARY

The item seeks ratification of the action of the County Mayor or County Mayor's designee approving Change Order No. 1 to Contract No. S-896 between Miami-Dade County and Daniel O'Connell's Sons, Inc. (the "Contractor") for the Consent Decree (CD) Project 3.05(2) - North District Wastewater Treatment Plant (NDWWTP) Secondary Clarifiers Upgrades (the "Project"). Change Order No. 1 is a net deductive change order that lowers the fiscal impact by an amount of \$885,192.94 via descoping work related to the large diameter pipelines, as well as addressing additional scope related unforeseen conditions. Ratification of this Change Order will: (1) decrease the total Contract amount from \$22,841,250.00 to \$21,956,057.06 and (2) provide a time extension of 309-calendar days.

During Project execution, the WASD Project Team determined that the assessment of the pipelines was better suited to be conducted by in-house staff, and thus this component of the work was removed from the Contractor's scope. After review, it was identified that the associated large diameter pipelines were in good condition and not in need of major rehabilitation. Therefore, through the diligent work of the WASD Team, components of the Project scope were identified as being not required and resulted in a credit to the County. Simultaneously, during the rehabilitation and upgrade of the secondary clarifiers, unforeseen conditions related to the age of the facilities, the lack of record drawings, and the challenge of integrating new equipment with existing obsolete devices were encountered. This Change Order Number 1 addresses both the descoping items, as well as the unforeseen conditions, providing for a time extension such that this critical work can be performed during the dry season when there is a lower chance of wet weather events.

RECOMMENDATION

It is recommended that the Board of County Commissioners (Board) ratify the action of the County Mayor or County Mayor's designee, approving Change Order No. 1 to Contract No. S-896. This recommendation has been prepared by the Miami-Dade Water and Sewer Department (WASD).

DELEGATION 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.

CAPITAL IMPROVEMENT PROJECT

Item 1— Change Order No. 1 to Contract No. S-896 is for a 309-day time extension and a decrease in the Contract award of \$885,192.94.

SCOPE

As shown on Exhibit A, which provides basic information about Change Order No. 1, the Project is located in District 4, which is represented by Commissioner Micky Steinberg.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact of Change Order No. 1 to the County is (\$885,192.94).

TRACK RECORD/MONITORING

WASD Deputy Director, Planning Regulatory Compliance and Capital Infrastructure, Marisela Aranguiz-Cueto, P.E., will oversee the implementation of Change Order No. 1 to Contract S-896.

BACKGROUND

On October 2, 2018, Miami-Dade County awarded Contract S-896 to Daniel O'Connell's Sons, Inc. for CD Project 3.05(2) - NDWWTP Secondary Clarifiers Upgrades via Resolution No. R-1023-18. The total Contract was \$22,841,250.00, with a Contingency Allowance of \$2,012,500.00, and a Contract duration of 1,395-calendar days for Substantial Completion and 1,427-calendar days for Final Completion with a Contingency Time Allowance of 143 days.

The Project scope was comprised of major rehabilitation and upgrades to old infrastructure, including the assessment and rehabilitation of the associated large diameter pipelines. During Project execution, the WASD Project Team determined that the assessment of the pipelines was better suited to be conducted by in-house staff, and thus this component of the work was removed from the Contractor's scope. After reviewing the assessment, it was identified that the associated large diameter pipelines were in good condition and not in need of major rehabilitation. Therefore, through the diligent work of the WASD Team, components of the Project scope were identified as being not required and resulted in a credit to the County. Simultaneously, during the rehabilitation and upgrade of the secondary clarifiers, unforeseen conditions related to the age of the facilities, the lack of record drawings, and the challenge of integrating new equipment with existing obsolete devices were encountered. This Change Order Number 1 addresses both the descoping items, as well as the unforeseen conditions and includes the following:

- A credit of \$2,897,692.94 back to the County for removal of two items from the scope of work
- Additional cost of \$605,633.06 for additional by-pass pumping operations that are needed for gate replacement, electrical upgrades, and Return Activated Sludge (RAS) pump station work.
- A time extension for 309-calendar days, which will move the Substantial Completion Date to August 25, 2023, and the Final Completion Date to September 26, 2023. Because the scope of work for this project can only occur during the dry season and the unforeseen conditions delayed the performance of critical work, the remaining project scope must be finished during the next dry season.
- Replenishment of the Contingency Allowance in the amount of \$1,406,866.94 to respond to potential future unforeseen and differing site conditions that could occur during the final phase of the work and to compensate the Contractor for liquidated indirect costs in the amount of \$361,597.32 for 258 days due to mechanical problems that arose with the isolation gates that constitute Active Owner interference.

The overall result of Change Order No. 1 to the Contract is: (1) a decrease in the total Contract amount by (\$885,192.94) from \$22,841,250.00 to \$21,956,057.06; (2) a 309-calendar-day time extension, which

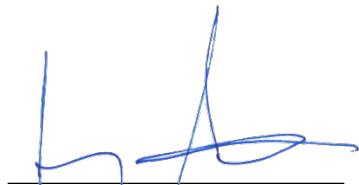
extends the Substantial Completion Date to August 25, 2023 and the Final Completion Date to September 26, 2023.

SMALL BUSINESS ENTERPRISE MEASURES

On March 21, 2023, prior to the issuance of Change Order No. 1, the Internal Services Department's Small Business Development (SBD) Division reviewed Contract S-896 for compliance with a 12.61 percent construction (SBE-Con) goal, Responsible Wages and Benefits, Residents First Training & Employment Program, and Employ Miami-Dade requirements. The Contractor was found to be in compliance. 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'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	Contract No. S-896	CD 3.05(2) North District Wastewater Treatment Plant Secondary Clarifiers Upgrades	Daniel O'Connell's Sons, Inc.	District 4 (Micky Steinberg)	(\$885,192.94) 309-day time extension	Original Contract Amount \$22,841,250.00; Adjusted Contract Amount \$21,956,057.06	Future WASD Revenue Bonds, WASD Revenue Bonds Sold, Wastewater Renewal Fund	Notice to Proceed Start Date: 10/08/2018 Completion Date: 09/26/2023	SBE Const. - 12.61%	This project is for North District Wastewater Treatment Plant Secondary Clarifiers Upgrade. *** This Change Order is for a 309-day time extension and a decrease to the contract amount of \$885,192.94.

EXHIBIT B

Memorandum



Date: March 21, 2023

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

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

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

Subject: Project No. S-896: North District Wastewater Treatment Plant Secondary Clarifiers Upgrades (Remaining Scope of Work)

Change Order No. 1 to Project No. S-896, North District Wastewater Treatment Plant Secondary Clarifiers Upgrades (Remaining Scope of Work) was reviewed for application of Small Business Enterprise (SBE) measures. The Change Order No. 1 is for a decrease to the contract value and a time extension, the SBE measures remain the same.

The project was reviewed for compliance with the 12.61% Small Business Enterprise - Construction Services (SBE-Construction) goal, the Responsible Wages and Benefits, Residents First Training & Employment Program and Employ Miami-Dade 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.

The prime, Daniel O'Connell's Sons, Inc. has requisitioned \$17,846,421.89 requiring \$2,250,443.69 for compliance with the 12.61% SBE-Construction goal. The SBE-Construction subcontractors have performed and been paid \$3,340,608.55, in compliance with the SBE-Con goal and Resolution No. R-1001-15.

The prime and its subcontractors are in compliance with the Responsible Wages and Benefits and workforce programs. For additional information, please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153.

c: Marisela Aranguiz, Deputy Director, WASD
Juan Curiel, Chief, Assistant Director of Utility 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
SBD Section Chiefs, ISD

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

EXHIBIT C

MIAMI-DADE COUNTY, FLORIDA

WATER AND SEWER

CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: 1 CONTRACT NO: S-896 DATE: 3/14/2023
PROJECT TITLE: CD 3.05(2) North District Wastewater Treatment Plant Secondary Clarifiers Upgrades(Remaining Scope of Work)
TO CONTRACTOR: Daniel O'Connell's Sons, Inc. 2999 NE 191 St., Ste 906 Aventura, FL 33180

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: Change Order Number 1 is a net deductive change order that descopes work related to Secondary Clarifiers Nos. 11 and 12 and addresses additional scope related to flow by-pass pumping for Gate Replacement, Electrical Upgrades, and Return Activated Sludge (RAS) pump station work. The Change Order amount is (\$885,192.94) with a time extension of 309 calendar days.

Monetary Justification: Contract S-896 was awarded to Daniel O'Connell's Sons (the "Contractor") on October 14, 2018 for Consent Decree (CD) Project 3.05(2)- North District Wastewater Treatment Plant (NDWWTP) Secondary Clarifiers Upgrades (Remaining Scope of Work) (the "Project"). The award was approved by the Board of County Commissioners (the "Board") on October 2, 2018 via Resolution No. R-1023-18. The total Contract award was \$22,841,250. (Continued below)

Time Justification: The Notice to Proceed was dated December 20, 2018, which established October 15, 2022 as the Contract's original Substantial Completion Date and November 16, 2022 as the Contract's original Final Completion Date. During the Rehabilitation of RSPS No.1, (Phase 1), WASD approved five (5) calendar days through the Contract's Contingency Time Allowance and revised the Substantial Compl (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-----	\$22,841,250.00
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$22,841,250.00
COST OF CHANGES WITH THIS DOCUMENT-----	(\$885,192.94) ✕
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$21,956,057.06
PERCENT INCREASE WITH THIS CHANGE-----	-4%
TOTAL PERCENT INCREASE TO DATE-----	-4%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	1427 / 0 / 309
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	143 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	1879

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	Title	Date
Daniel O'Connell's Sons, Inc.		Contractor	4/10/2023
Surety	Michael E. Watts	Surety	4/10/23

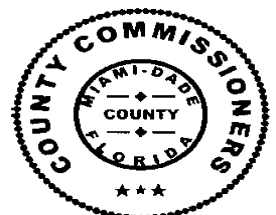
Title	Name	Date
Approved By: <u>County Attorney</u> (for legal sufficiency)	Sandra Egan-DeLeon	4/24/23
Approved By: <u>County Mayor</u>	Roy Coz	4/26/23
Attested By: <u>Clerk of the Board</u>	Olga Valverde	May 2, 2023

Olga Valverde - e18183

Time Justification: (Continued)

etion Date to October 20, 2022 and the Final Completion Date to November 21, 2022.

The construction of RSPS No.2, as detailed in the Monetary Justification above, required an additional 309 calendar days. Through this Change Order No. 1,



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the Contract duration will be extended by 309 days, thereby moving the Substantial Completion Date from October 20, 2022 to August 25, 2023 and the Final Completion Date from November 21, 2022 to September 26, 2023.

Monetary Justification: (Continued)

00, with a Contingency Allowance of \$2,012,500.00, and a Contract duration of 1,395-calendar days for Substantial Completion and 1,427-calendar days for Final Completion with a Contingency Time Allowance of 143 days.

Based on the type of work being performed and the function of the secondary clarifiers being upgraded, the Contractor could only work during the dry season (December 1 to May 30) when there is a lower chance of wet weather events.

During construction, the Project experienced numerous unforeseen conditions related to the age of the facilities, the lack of record drawings, and the challenge of integrating new equipment with existing, and in many cases, obsolete but functional devices. Consequently, construction progression and delivery were impacted by a number of events that required the Department to take the following actions that will be approved through this Change Order:

- Replenishment of the Contingency Allowance in the amount of \$1,406,866.94 to respond to potential future unforeseen and differing site conditions, including and not limited to, other miscellaneous upgrades (such as structural repairs) that could occur during the final phase of the work;
- Approval of a Change Order for a total of \$605,633.06 for Flow By-pass Pumping Operations that are needed for Gate Replacement, Electrical Upgrades, and RAS pump station work;
- Processing of a credit to the County for \$2,897,692.94 for removal of two (2) items from the scope of work that will no longer be performed by the Contractor; and
- Approval of a Change Order for 309 days, which will move the Substantial Completion Date to August 25, 2023 and the Final Completion Date to September 26, 2023 because certain time critical work could not be completed during the dry season and must, therefore, be finished during the next dry season. 258 days of this delay are due to mechanical problems that arose with the gates and constitute Active Owner interference. As a result, through this Change Order, consistent with the terms of the Contract, the County will compensate the Contractor for liquidated indirect costs based on this delay in the amount of \$361,597.32 (\$1,401.54 x 258 days).

Four (4) events contributed to the need for this Change Order:

Flow By-pass Pump Operation for the Installation of Slide Gates

During the Phase No. 1 Shutdown, an unforeseen condition was encountered where a large mass of hardened and submerged rags and Fats, Oil & Grease (FOG) was discovered as the water level was lowered. This excessive buildup of rags and FOG created an obstruction that inhibited the Contractor's ability to install the temporary plates. As such, the flows could not be isolated to achieve a satisfactory gate installation.

Based on the challenges encountered in achieving full isolation, the Contractor was directed to alternatively install the first 10 gates using a continuous flow by-pass pumping operation. This work was performed on a Time and Material (T&M) basis. A total of 22 shutdowns were required for the installation of the 10 gates. During these shutdowns, the Contractor performed the following activities: staged the pumps and hoses for the pumping operation, set up ventilation and lighting systems, pumped down Secondary Clarifiers Distribution Chambers (SCDC) A-SCDC and SCDC-1, fabricated templates for gate installation, demolished the existing gates, and installed the new gates. The total cost for this extra work was \$1,178,584.83.

The Contractor was paid \$1,012,695.83 through the Contract's Contingency Allowance, and the remaining balance of \$165,889.00 will be paid through this Change Order.

Upsizing Electrical Equipment and New Circuits

During construction, it was determined that improved electrical circuitry in the form of larger panels, conduits, and wires to account for existing circuits was needed to support the newly furnished equipment and extend its performance life. This improved circuitry was not included in the original scope of work. The Contractor, therefore, performed extra work by furnishing and installing: six (6) upsized panels; approximately 21,000 linear feet of upsized stranded copper wire; approximately 40 linear feet of upsized aluminum conduit; approximately 200 linear feet of new aluminum conduit and wire for new circuits; and standard receptacles to Ground Fault Interrupter (GFI) receptacles. The cost for the extra work, inclusive of the labor, materials and equipment supplied, was \$78,146.74, which will be paid through this Change Order.

Return Sludge Pump Station (RSPS) No. 2 Compensable Time Extension

The original baseline schedule indicated the work was to be completed during three (3) dry seasons (2020-2022); therefore, the work was divided into three (3) phases. Once the Contractor mobilized to begin the Phase 1 work in 2020, WASD was unable to isolate the Secondary Clarifiers Distribution Chambers (SCDC) A-SCDC and SCDC-1 from the flows of the other SCDCs and the Oxygen Trains Nos. 1-4 due to malfunctioning and the age of the isolation gates. Therefore, the Phase 1 work was postponed/deferred to the next dry season-- 2021. Thereafter, the Project schedule was updated to show completion of Phase 1 during the second dry season and completion of Phases 2 and 3 during the third dry season, with Phase 3 starting first and Phase 2 following afterward.

However, during the third dry season (2022), the same isolation challenges were encountered when the Contractor started Phase 3, and, therefore, the Contractor was only able to complete Phase 3 during the 2022 dry season and still needs to complete Phase 2 during the 2023 dry season.

Because the mechanical failure of the gates and the inability to provide the necessary isolation of the chambers is considered an Active Owner Interference, additional time is owed to the Contractor per the provisions of the Contract. In addition, this interference caused a delay in turning over Return Sludge Pump Station ("RSPS") No. 2 to the Contractor. The impact to the baseline schedule was a total of 675 calendar days beyond the intended release of RSPS No. 2 to the Contractor, which resulted in a need for a 309 calendar day extension beyond the Final Completion Milestone date. Of the 309-day extension being approved through this Change Order, 258 days are attributed to Active Owner Interference based on the problems with the facilities and the inability to isolate RSPS No. 2 timely; therefore, the Contractor will be compensated for 258 days of compensable time at the Contract's liquidated indirect cost (LIC) rate of \$1,401.54 per day. Through this Change Order, the Contractor will, therefore, be paid \$361,597.32 (\$1,401.54 x 258 days) in liquidated indirect costs.

The remaining 51 days of the 309-day extension being granted through this Change Order were expended on activities unrelated to RSPS No. 2 and base-contract close-out activities and constitute an excusable non-compensable time extension.

Miscellaneous Unforeseen Construction Upgrades

This Project is pending the final Rehabilitation of RSPS No.2, also referred as Phase No. 2. Based on the history of gate failures and isolation problems on this Project to date, the Department has determined that an amount of \$1,406,866.94 is needed as a Contingency Allowance replenishment in order to address any unforeseen conditions that may arise during the Rehabilitation of RSPS No. 2.

Two (2) deductive credits to the County are also being approved through this Change Order:

Credit for Reduction in Scope of Work- Secondary Clarifiers No.11 and No.12

The Contract documents included limited structural, mechanical, and electrical upgrades to Secondary Clarifiers Nos. 11 and 12. During construction, due to a catastrophic failure in Secondary Clarifiers Nos. 11 and 12, the decision was made to descope select work from Bid Items No. 2 and No. 3 for these clarifiers and to execute the descope work under a separate contract in which a comprehensive/full refurbishment of both clarifiers could be achieved. The negotiated credit is (\$1,439,797.58) for the descope labor, equipment, and materials.

Credit for Reduction in Remaining Scope of Work for the Secondary Clarifiers Effluent Lines

Due to the numerous isolation challenges and resulting delays in the Contractor's ability to perform the work, WASD decided to take on the condition assessment and rehabilitation of the effluent pipelines under Bid Item No. 5.

However, prior to descoping Bid Item No. 5 from the Contract, the Contractor had already carried out a small portion of the work under Bid Item No. 5—specifically, the installation of eight (8) concrete manways needed as access points to the effluent lines. When Bid Item No. 5 was descoped from the Contract, these manways needed to be removed. The Contractor will, therefore, be compensated \$161,029.64 for this work, and the remaining balance for Bid Item No. 5 (\$1,457,895.36) will be credited to the County.

Conclusion:

Change Order No. 1 to the Contract: (1) decreases the total Contract amount by (\$885,192.94) from \$22,841,250.00 to \$21,956,057.06, which includes a replenishment of the Contingency Allowance; (2) grants a 309-day time extension, which extends the Substantial Completion Date to August 25, 2023 and the Final Completion Date to September 26, 2023; and (3) compensates the Contractor for liquidated indirect costs in the amount of \$361,597.32 related to problems with the facilities that impeded the Contractor's ability to move the Project forward at times.

Pursuant to the terms of Section 2-8.2.12 of the Miami-Dade County Code, 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 or 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.



Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Michael E Watts** of **WEST HARTFORD, Connecticut**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this **21st** day of **April**, 2021.



State of Connecticut

City of Hartford ss.

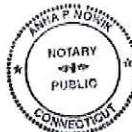
By: _____

Robert L. Raney
Robert L. Raney, Senior Vice President

On this the **21st** day of **April**, 2021, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the **30th** day of **June**, 2026



Anna P. Nowik
Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

FURTHER RESOLVED, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, **Kevin E. Hughes**, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this **10th** day of **April**, 2023



Kevin E. Hughes
Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.

MDC009



MEMORANDUM

(Revised)

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

DATE: July 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 3(B)(1)

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)(1)
7-6-23

RESOLUTION NO. R-570-23

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. S-896 BETWEEN MIAMI-DADE COUNTY AND DANIEL O'CONNELL'S SONS, INC., WHICH DECREASES THE TOTAL CONTRACT AMOUNT FROM \$22,841,250.00 TO \$21,956,057.06 AND PROVIDES A TIME EXTENSION OF 309-CALENDAR 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,

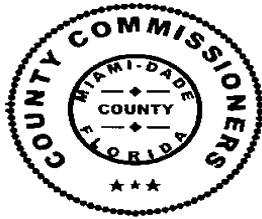
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies the action of the County Mayor or County Mayor's designee, as authorized by section 2-8.2.12 of the Code of Miami-Dade County, approving Change Order No. 1 to Contract S-896, CD 3.05(2) North District Wastewater Treatment Plant Secondary Clarifiers Upgrades, between Miami-Dade County and Daniel O'Connell's Sons, Inc. Change Order No. 1 decreases the Contract's amount from \$22,841,250.00 to \$21,956,057.06 and provides a time extension of 309-calendar 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 **Danielle Cohen Higgins** , 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	absent
Roberto J. Gonzalez	aye	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	absent
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of July, 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

JUAN FERNANDEZ-BARQUIN, CLERK

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis