

Date: September 6, 2023

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

From: Daniella Levine Cava
Mayor



Agenda Item No. 8(P)(7)

Resolution No. R-776-23

Subject: Recommendation to Ratify Actions Related to Miami-Dade Aviation Department pursuant to Section 2-285(3) of the Code of Miami-Dade County for the Miscellaneous Construction Contract

Summary

This item is to ratify Supplemental Agreement No. 1, executed to amend Article 7 of the Miami-Dade Aviation Department's (MDAD) Miscellaneous Construction Contract. The amendment incorporates a material change to the contract which requires ratification by the Board of County Commissioners (Board). The amendment was executed subject to ratification by the Board to incorporate the material change in an expeditious manner as requesting prior approval from the Board would have delayed the needed change. The amendment establishes the percentage to be paid to the Contractor, Magnum Construction Management, LLC d/b/a MCM, pursuant to sub-paragraph 7.4.05.B "Extra Work Performed by a Subcontractor or any Subtler Subcontractor", which was inadvertently omitted from the original agreement.

Recommendation

It is recommended that the Board ratify Supplemental Agreement No. 1 to *Contract RFQ No. MCC-9-18, Miscellaneous Construction Contract*. Approval of this Supplemental Agreement is being requested pursuant to Section 2-285(3) of the Code of Miami-Dade County to ratify the amendment to the Agreement.

Background

This contract was established by the Board through Resolution R-1161-21 on December 1, 2021, for a five-year term with one, two-year option to renew. The scope of work in this contract includes the successful and timely completion of all work issued by the recommended General Contractor, who will not normally self-perform any construction work, but rather, will provide services, including but not limited to the work noted below, such that any work can be performed by the subcontractors awarded under this contract.

- Conduct preconstruction bidding activities
- Administer multiple simultaneous construction projects
- Secure permits for any construction activities
- Enter into subcontractor agreements for the completion of projects
- General project management prior to and post project award
- Provide education and business training to subcontractors
- Conduct outreach activities to encourage the participation of Small Business Enterprise Subcontractors

The contract was amended on June 27, 2022, via Supplemental Agreement No. 1 to add the percentage that would be paid to the Contractor for authorized extra work performed by a subcontractor or any subtler subcontractor. Supplemental Agreement No. 1 amended Article 7.4. sub-paragraph 7.4.05.B establishing the percentage to be 25 percent of the subcontractor's direct cost as direct compensation for the Contractor and Subcontractor's overhead, profit and all other costs associated with the work. This fee is consistent with the fee that was negotiated in the prior contract.

Scope

Miami International Airport is located within District 6, which is represented by Commissioner Kevin Marino Cabrera; however, the impact of this item is countywide.

Fiscal Impact/Funding Source

There is no additional fiscal impact for this item as the existing allocation is sufficient to cover this fee. The allocation approved by the Board through Resolution No. R-1161-21 is \$50,000,000 for the initial five-year term, and \$20,000,000 for the one, two-year option to renew for an estimated cumulative value of \$70,000,000. The contract is in its initial term, which expires on January 30, 2027.

Track Record/Monitor

Natalya Vasilyeva of the Strategic Procurement Department (SPD) is the Procurement Contracting Manager.

Delegated Authority

If this item is approved, the County Mayor or County Mayor's designee will have the authority to exercise all provisions of the contract, including any cancellation, renewal, or extension provisions, pursuant to Section 2-8.1 of the County Code and Implementing Order 3-38.

Awarded Vendor

Vendor	Principal Address	Local Address	Principal
Magnum Construction Management, LLC d/b/a MCM	6201 SW 70 Street First Floor Miami, FL	Same	Daniel Munilla

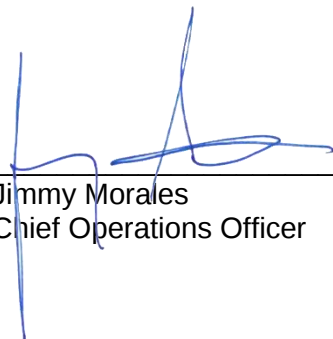
Due Diligence

Pursuant to Resolution No. R-187-12, due diligence was conducted in accordance with SPD's Procurement Guidelines to determine contractor responsibility, including verifying corporate status and that there are no performance or compliance issues through various vendor responsibility lists and a keyword internet search. The lists that were referenced included convicted vendors, debarred vendors, delinquent contractors, suspended vendors, and federal excluded parties. There were no adverse findings relating to contractor responsibility.

Applicable Ordinances and Contract Measures

- The two percent User Access Program provision does not apply.
- The Small Business Enterprise (SBE) Subcontractor Goal applies, as follows: 20% SBE-CON (Construction Management Services). In compliance with Resolution No. R-1001-15, the 20% SBE goal has been met (see attached). Additionally, each construction service work order will be submitted to Small Business Development for review for SBE measures, Community Workforce Program, and Responsible Wage and Benefits to be applied.
- The Living Wage Ordinance does not apply as the services are not covered under the Ordinance.

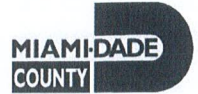
Attachments



Jimmy Morales
Chief Operations Officer

MDC002

Memorandum



Date: March 29, 2023

To: Ralph Cutié, Director
Miami-Dade Aviation Department

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

Subject: Contract RFQ No. MCC-9-18, General Contractor for Miscellaneous Construction Contract

A handwritten signature in blue ink, appearing to be "G. Hartfield", is written over the "From:" line and extends into the "Subject:" line.

Amendment No. 1 to Contract RFQ No. MCC-9-18 was reviewed for application of Small Business Enterprise (SBE) measures. Amendment No. 1 establishes the percentage to be paid to the contractor and has no fiscal impact, as such, the SBE measures will remain the same.

The project was reviewed for compliance with the 20% SBE – Construction (SBE-Con) goal and Resolution R-1001-15. Resolution R-1001-15 (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 considers a change order/amendment.

The prime contractor, Magnum Construction Management, has performed/requisitioned \$1,742,219 requiring the SBE-Con firms to have performed \$296,177 in contract work to date for compliance with R-1001-15. To date, the SBE-Con firms on the project have performed \$381,014 in contract work. As such the prime is in compliance with the R-1001-15. For additional information, please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153.

c: Arlyn Rull, Chief of Staff, MDAD
Ken Pyatt, Deputy Director, MDAD
Sergio San Miguel, Chief, Financial Officer, MDAD
Basil Binns II, Deputy Director, MDAD
Barbara Jimenez, Assistant Director, MDAD
Sylvia Novela, Strategic Procurement Director, MDAD
Andre T. Ragin, Small Business Strategic Advisor, MDAD
Janice Smith, Controller, MDAD
Jorge Gonzales, Division Director 2, MDAD
Natalya Vasilyeva, Procurement Contracting Manager, SPD
Alice Hidalgo-Gato, SBD Section Chief, ISD



MEMORANDUM

(Revised)

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

DATE: September 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(P)(7)

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(P)(7)
9-6-23

RESOLUTION NO. _____ R-776-23

RESOLUTION RATIFYING SUPPLEMENTAL AGREEMENT NO. 1 TO THE MIAMI-DADE AVIATION DEPARTMENT'S CONTRACT NO. MCC-9-18 FOR THE MISCELLANEOUS CONSTRUCTION CONTRACT PURSUANT TO SECTION 2-285(3) OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE ALL PROVISIONS OF THE CONTRACT, INCLUDING ANY CANCELLATION, RENEWAL, OR EXTENSION PROVISIONS, PURSUANT TO SECTION 2-8.1 OF THE COUNTY CODE AND IMPLEMENTING ORDER 3-38

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies Supplemental Agreement No. 1 to the Miami-Dade Aviation Department's Contract No. MCC-9-18 for the Miscellaneous Construction Contract pursuant to section 2-285(3) of the Code of Miami-Dade County, Florida; and authorizes the County Mayor or County Mayor's designee to exercise all provisions of the contract, including any cancellation, renewal, or extension provisions pursuant to section 2-8.1 of the County Code and Implementing Order 3-38. A copy of the contract is on file with and available upon request from the Strategic Procurement Department.

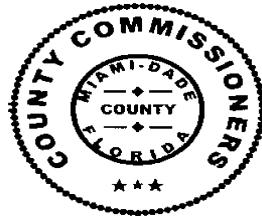
The foregoing resolution was offered by Commissioner **Anthony Rodriguez** , who moved its adoption. The motion was seconded by Commissioner **Kionne L. McGhee** and upon being put to a vote, the vote was as follows:

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 6th day of September, 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



By: Basia Pruna
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

DMM

David M. Murray

Miami-Dade County, FL

Supplemental Agreement No. 1 to Contract No. MCC-9-18

SUPPLEMENTAL AGREEMENT NO. 1

Contract Number: MCC-9-18

Contract Title: Miscellaneous Construction Contract

Contractor: Magnum Construction Management, LLC
dba MCM
6201 SW 70 Street
Miami, FL 33143

In accordance with the above referenced Contract, this Supplemental Agreement, when properly executed, shall become part of the Contract, and shall amend agreement as follows:

- 1) Amend Article 7.4. EXTRA WORK, sub-paragraph 7.4.05.B Extra Work Performed by a Subcontractor or any Subtier Subcontractor by deleting the sub-paragraph in its entirety and replacing with the following:
 - B. The Contractor shall be paid twenty five percent (25%) times the Subcontractor's or subtier Subcontractor's actual Direct Cost as direct compensation for the Contractor and Subcontractor's Overhead, profit and all other costs associated with the Work at all tiers.

All other terms, covenants and conditions of the original Contract shall remain in full force and effect.

Both parties represent that pursuant to Miami-Dade County ordinance 2-285(3) this Supplemental Agreement No.1, once executed shall bind the parties and be enforceable. Notwithstanding, pursuant to Miami-Dade County Ordinance 2-285(3), this Supplemental Agreement No.1 is subject to approval and ratification by the Board of County commissioners of Miami-Dade County. In event that this Supplemental Agreement No.1 is not ratified, this Supplemental Agreement No.1 shall be void and be of no further force and effect, and neither party shall have any claim against each other in such circumstance of any kind arising out of this Supplemental Agreement.

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement No. 1 to County Contract No. MCC-9-18 for Miscellaneous Construction Contract.

Contractor

By: [Signature]

Name: Daniel Munilla

Title: President

Date: 5/31/2022

Attest: [Signature]
Corporate Secretary/Notary

Corporate Seal/Notary



Miami-Dade County

By: [Signature] FOR

Name: Daniella Levine Cava

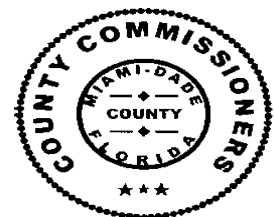
Title: Mayor

Date: 6/27/22

Attest: [Signature]
Clerk of the Board

Approved as to form
and legal sufficiency

[Signature]
Assistant County Attorney



MDC007