

Date: November 7, 2023

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

From: Daniela Levine Cava
Mayor



Agenda Item No. 8(O)(1)

Resolution No. R-993-23

Subject: Change Order No. 1 to Contract S-914R for the Electrical Upgrades of Substations 9, 10, 11, and 12 by Arya Construction & Design, Inc.

EXECUTIVE SUMMARY

This item seeks approval from the Board of County Commissioners (the “Board”) to authorize Change Order No. 1 for additional work needed for the electrical improvements at the South District Wastewater Treatment Plant’s (“SDWWTP”) Electrical Substations 9, 10, 11 and 12 by Arya Construction & Design, Inc. (the “Contractor”). Change Order No. 1 increases the Contract amount by \$853,741.23 and extends the Contract duration by 298 calendar days due to time impacts in performing additional work that was not originally included in the Contract.

Change Order No. 1 resulted from a combination of unanticipated work required to respond to unforeseen conditions as well as a need for installation of back-up electrical power to critical facilities in order to ensure the continuity of treatment operations during construction. Furthermore, due to the time delays caused by the extra work, the Change Order includes reimbursement for the costs incurred to extend the Contractor’s insurance policy. Additionally, it replenishes the Contingency Allowance Account to support ongoing construction efforts without delays in case additional unforeseen issues arise.

\$307,241.23 is for the extra work described above. \$78,200.00 is for 68 days of compensable time resulting from a late design change to incorporate back-up electrical power at each substation. The County will compensate the Contractor for liquidated indirect costs based on this delay in the amount of (\$1,150.00 x 68 days). \$468,300.00 is for replenishment of the Contract’s Contingency Allowance to address any further unforeseen issues that may arise during the remainder of the work.

RECOMMENDATION

It is recommended that the Board approve Change Order No. 1 to Contract S-914R between Miami-Dade County (the “County”) and the Contractor. The Change Order increases the Contract amount by \$853,741.23 and extends the Contract duration by 298 days. Approval of this Change Order will: (1) increase the total Contract amount from \$5,491,790.00 to \$6,345,531.23 and (2) extend the Final Completion date from October 7, 2022, to August 1, 2023.

SCOPE

The Project is in District 8, which is represented by Commissioner Danielle Cohen Higgins.

DELEGATED AUTHORITY

Upon approval of this item, the County Mayor or County Mayor’s designee shall have the authority to execute Change Order No. 1.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact of Change Order No. 1 to the County is \$853,741.23, which the Miami-Dade Water and Sewer Department (“WASD”) has determined is a fair and reasonable amount for the additional work described in Change Order No. 1.

Funding will be provided from Wastewater Treatment Plants – Consent Decree Projects, OMB# 964120, Page 90 in the FY22-23 Adopted Budget and Multi-Year Capital Plan. The funding sources are: Future WASD Revenue Bonds, WASD Revenue Bonds Sold, Wastewater Connection Charges and Wastewater Renewal Fund.

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-914R.

BACKGROUND

On June 22, 2020, the County awarded Contract S-914R to the Contractor for furnishing all materials, labor, and equipment necessary for the electrical improvements at the SDWWTP’s Electrical Substation Nos. 9, 10, 11 and 12. The total award was \$5,491,790, with a Contract duration of 690-calendar days and a Contingency Time Allowance of 69 days.

During the execution of the Contract, unanticipated conditions were identified that impacted the scope of work for design and construction. These conditions added extra work that was not originally included in the Contract and, consequently, depleted the funds within the Contract’s Contingency Allowance. The extra work included the cost and time associated with: (1) providing back-up electrical power to critical facilities to ensure the continuity of treatment operations during construction, (2) installing new Remote Input/Output (RIO) panels and auxiliary equipment to provide more reliable communication and system integration as well as to maintain consistency across all treatment plant substations, and (3) installing standard sized Notice of Acceptance rated double doors to accommodate existing conditions. Furthermore, the late design change to incorporate an efficient means to connect back-up electrical power to the substations resulted in a 68-day compensable time delay because it was not a part of the original Contract documents.

The Contract requires the Contractor to maintain Builder’s Risk Insurance until the work is complete. Due to the Project delays experienced as a result of the extra work, the Final Completion Date needed to be extended, and, accordingly, the Contractor was required to extend its insurance policy.

Due to the additional work required, the construction schedule was impacted, and this Change Order addresses the additional costs and time needed to complete the Project. Change Order No. 1:

1. Increases the total Contract amount by \$853,741.23.
 - \$307,241.23 is for the extra work described above.
 - \$78,200.00 is for 68 days of compensable time resulting from a late design change to incorporate back-up electrical power at each substation. The County will compensate the Contractor for liquidated indirect costs based on this delay in the amount of (\$1,150.00 x 68 days).
 - \$468,300.00 is for replenishment of the Contract’s Contingency Allowance to address any further unforeseen issues that may arise during the remainder of the work.
2. Extends the total Contract duration by 298 calendar days due to the additional work required as described above.

3. Replenishes the Contingency Time Allowance of 69 days to mitigate any time delays triggered by unforeseen conditions.

SMALL BUSINESS ENTERPRISE MEASURES

On May 26, 2023, the Internal Services Department's Small Business Development (SBD) Division reviewed Contract S-914R for compliance with a 14.15 percent (14.15%) Construction (SBE-Con) goal, 4.00 percent (4%) Goods and Services (SBE-G&S) goal, Responsible Wages and Benefits requirements, and Resolution R-1001-15. Resolution R-1001-15 requires 85 percent of the Small Business Enterprise 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.

The Contractor is in compliance with Resolution R-1001-15 for the SBE-Con goal but not for the SBE-Goods goal. At Contract completion, the 4% SBE-Goods participation should equal \$240,202.00. Based on SBD's projection, the 4% SBE-Goods will not be met by Project completion. The Contractor has justified this by stating that it purchased from a large manufacturer due to the specialized nature of the material. Further, the Contractor took proactive steps to address this moving forward, and introduced the SBE-Goods firms to its subcontractors and requested they make their best efforts to purchase material from the firms for the remainder of the work. To this end, Aarya has committed to purchase \$50,000.00 to \$60,000.00 in building materials from the SBE-Goods firms for the remaining work.

SBD determined that the Contractor was in compliance with the Responsible Wages and Benefits, the Residents First Training and Employment Program, and the Employ Miami-Dade Program. See SBD Memorandum, attached hereto as Exhibit A.

Change Order No. 1 is attached hereto as Exhibit B. A copy of the Contract on file with and available from WASD's Procurement Division.

Attachments



Jimmy Morales
Chief Operations Officer

Memorandum



Date: May 26, 2023

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

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

Subject: Project No. S-914R, CD 1.11 General Electrical Design- Substations 9, 10, 11 and 12

Change Order Number One to Project No. S-914R was reviewed for application of Small Business Enterprise (SBE) measures and compliance with Resolution R-100-15. Change Order Number One increases the time and contract value. The contract was awarded with a 14.15% SBE-Construction (SBE-Con) goal and a 4% SBE-Goods goal which will apply to Change Order Number One.

The project was reviewed for compliance with the 14.15% SBE-Con and 4% SBE-Goods goals, the Responsible Wages and Benefits requirements 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. The prime contractor, Aarya Construction & Design Inc. (Aarya), has performed \$3,946,410 to date, requiring the SBE-Con firms to have performed \$474,654, and the SBE-Goods firms to have performed \$134,178 for compliance with Resolution R-1001-15. To date, the SBE-Con subcontractors have performed \$582,339 and the SBE-Goods firms have not been utilized. The prime is in compliance with Resolution R-1001-15 for the SBE-Con goal but not for the SBE-Goods goal.

Pursuant to R-1001-15, 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. In response to the requirements of R-1001-15, Aarya replied the following:

- i. The electrical materials were purchased from a large manufacturer due to the specialized nature of the material. In contrast, MCG Mims Construction Group, an SBE-Goods subcontractor to Aarya, reported it could have sourced the products listed in the electrical specifications.
- ii. Aarya introduced the SBE-Goods firms to its subcontractors and requested they make their best effort to purchase material from them for the remaining work.
- iii. At contract completion, the 4% SBE-Goods participation should equal \$240,202. Aarya committed to purchase \$50,000-\$60,000 in building materials from the SBE-Goods firms for the remaining work. Based on this projection the SBE-Goods will not be met by project completion.

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

c: Roy Coley, Director, WASD	Marisela Aranguiz, Deputy Director, WASD
Juan Curiel, Assistant Director, WASD	Margaret Moss, Small Business Initiatives, WASD
Edith Brown, Contract Compliance Div., WASD	Donna Palmer, SPA 1, WASD
SBD Section Chiefs, ISD	

**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:** S-914R
PROJECT TITLE: CD 1.11 General Electrical Design – Substations 9, 10, 11 and 12
TO CONTRACTOR: Aarya Construction & Design, Inc. 7657 NW 50 Street Miami, FL 33166

DATE: 4/18/2023

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 No. 1 provides for a 298-day time extension to be added to the Contract, increases the monetary value of the Contract by \$385,441.23, and, in order to address future unforeseen conditions that could arise before Final Completion, replenishes: (1) the Contingency Allowance Account by \$468,300.00 and (2) the Time Allowance account by 69 days.

Monetary Justification:

Aarya Construction and Design Inc. ("Contractor") has been awarded Contract S-914R for furnishing all materials, labor, and equipment necessary for the electrical improvements at the SDWWTP's Electrical Substation Nos. 9, 10, 11 and 12, located in unincorporated Miami-Dade County, Florida 33190. The total award was \$5,491,790.00 with a Contract duration of 690-calendar days and a Contingency Time Allowance of 69 days. (Continued below)

Time Justification:

Notice to Proceed for the project was issued on September 8, 2020, which established July 30, 2022 as the Contract's original Final Completion Date. During construction, WASD approved a 69-day extension of time through the Contract's Contingency Time Allowance, which revised the Contract's Final Completion Date to October 7, 2022.

As described above, an additional 298 calendar (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-----	\$5,491,790.00
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$5,491,790.00
COST OF CHANGES WITH THIS DOCUMENT-----	\$853,741.23
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$6,345,531.23
PERCENT INCREASE WITH THIS CHANGE-----	16%
TOTAL PERCENT INCREASE TO DATE-----	16%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	690 / 0 / 298
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	69 / 0 / 69
ADJUSTED DURATION INCLUDING THIS CHANGE-----	1126

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.

<u>Organization</u>	<u>Name</u>	<u>Accepted By:</u>	<u>Title</u>	<u>Date</u>
Aarya Construction & Design, Inc.	ERIC SAMI	<i>Eric Sami</i>	Contractor	6/13/23
Surety Travelers Casualty and Surety Company of America	Warren M. Alter, Attorney-in-Fact	<i>Warren M. Alter</i>	Surety	6/1/2023

<u>Title</u>	<u>Name</u>	<u>Date</u>
Approved By: <u>County Attorney</u> (for legal sufficiency)	<i>Sandra Exavier Davis</i>	6/22/23
Approved By: <u>County Mayor</u>	<i>Olga Valverde</i>	6/29/2023
Attested By: <u>Clerk of the Board</u>	Olga Valverde - e18183	6-30-23

Time Justification: (Continued)

days were required to accommodate the additional owner requests. Through this Change Order, the Contract duration will be extended by 298 days, thereby moving the Final Completion Date from October 7, 2022, to August 1, 2023.

Monetary Justification: (Continued)

This Change Order No. 1 is for additional work that the County requested of the Contractor in association with its project to perform electrical improvements at the South District Wastewater Treatment Plant's (SDWWTP) Electrical Substation Nos. 9, 10, 11 and 12. The Change Order will allow for compensation of the Contractor for constructing the following: temporary back up power during upgrades, new Remote Input/Output (RIO) panels, and standardized size NOA-rated double doors with a removable transom beam. The Change Order also includes reimbursement for the cost incurred by the Contractor to extend the Contractor's insurance policy due to performing additional work past the original final completion date of July 30, 2022. Further, Change Order No. 1 provides for an additional allocation of ten percent of the total Contract amount and additional time to the respective Contingency Allowance accounts to support ongoing construction efforts without delays and address any unforeseen issues that may arise.

The amount of Change Order No. 1 is \$853,741.23, which consists of \$307,241.23 for the additional work, \$78,200 in liquidated indirect costs, and \$468,300 for the increases to the Contingency Account. Change Order No. 1 will bring the total Contract award up from \$5,491,790.00 to \$6,345,531.23, add 69 days to the Contingency Time Allowance, and includes a total time extension of 298 calendar days, which consists of a 68-day compensable time extension and a 230-day non-compensable time extension.

During construction, the below incidents occurred, which increased the monetary amount and project duration identified in the original Contract. One of the incidents, Substation 9-12 Backup Power Installation, impacted the Contract's critical path.

Substation 9, 10, 11 and 12 Backup Power Installation

Prior to commencing construction, the Miami-Dade Water and Sewer Department (WASD) identified the need to provide temporary back up power for Substation Nos. 9, 10, 11 and 12, which provide electricity to the return activated sludge ("RAS") pump stations and the chlorine, maintenance, laboratory, and administration buildings at the SDWWTP. These facilities are critical to the daily operation of the treatment plant. Therefore, it was determined that, until the substation upgrades performed under this Contract were completed and fully commissioned, a temporary 1,000-Kilowatt (KW) backup power generator would be procured, installed, and operated to mitigate risk of power failure and adverse impacts to plant operations.

The Contractor submitted a proposal in the amount of \$399,182.84 in costs and a 60-calendar day non-compensable time extension for the additional labor, materials, and equipment to provide temporary backup power at Substation Nos. 9-12. The proposal includes the cost to furnish, store, and install additional equipment, including a docking station, temporary panelboard, and all associated electrical work. The Contractor was paid \$188,729.50 through the Contract's Contingency Allowance Account and was granted 39 days through the Contingency Time Allowance account; the remaining 21 days and \$210,453.34 will be granted through this Change Order.

Additionally, WASD requested a change for backup power for each Substation that was not included in the original Contract, and the Contractor could not proceed with the base scope of work until the generator docking stations were installed at each Substation. The Contractor indicated that the fabrication and delivery of the docking stations to the site had a long lead time, and delivery of these units would not be expected for at least five to six months. In anticipation of this delay, the construction management team issued a Stop Work Order and subsequently, the Contractor's work was suspended until the equipment could be procured and delivered to the project site, entitling the Contractor to a compensable time extension. Based on the Contractor's time impact analysis, the procurement, fabrication, and delivery of the docking stations to the site delayed the project from July 22, 2021 to February 11, 2022. The timeframe prior to issuance of the Stop Work Order (between July 22, 2021 and September 28, 2021) qualifies as a 68-day compensable time delay, totaling \$78,200.00, as this interruption resulted from WASD's request while the timeframe during the Stop Work Order (between September 28, 2021 to February 11, 2022) is classified as a 136-day non compensable time delay. Additionally, there were delays encountered due to unforeseen conditions and additional shortages of materials during the installation of the docking stations, which constituted another 73 day non compensable time delay on the project.

In total, this change constituted a 68-day compensable time extension and a 230-day non-compensable time extension resulting in 298 calendar days being added to the Contract. 277 calendar days will be granted and \$288,653.34 will be paid through this Change Order.

Owner Furnished AUX & RTU Panels Installation

To provide more reliable communication and system integration, as well as to maintain consistency across all treatment plant substations, it was determined that installation of new RIO panels and auxiliary equipment at each of the substations included in this project (SDWWTP Electrical Substation Nos. 9, 10, 11 and 12) was necessary. This was a change during the construction phase, as the original Contract documents called for the use of the existing equipment. WASD will furnish the necessary equipment (RIO panel, communication signals, and auxiliary parts), which the Contractor will install in order to integrate communication between the electrical equipment and the substations. The Contractor's cost proposal for the installation is \$31,703.18 and will be paid through this Change Order.

Double Doors and Transom

The design for the project called for the existing double doors located at the entrance to the Switchgear Rooms at each of the Substation Buildings to be replaced with new Notice of Acceptance (NOA) rated double doors. During construction, a discrepancy between the existing and proposed door dimensions was identified, which led to a concern that the required clearance for ingress and egress of equipment was not provided for. On March 15, 2022, project stakeholders met to discuss potential alternatives to resolve the door installation requirements and agreed to a combination of standardized size NOA-rated double doors with a removable transom beam to accommodate the required clearance. Because the Contractor had already procured, fabricated, and delivered doors per the dimensions called for within the Contract documents, the Contractor submitted a proposed Change Order in the amount of \$16,432.40 that included the labor and materials to fabricate two new double doors with the agreed dimensions and the removable transom beam. The double doors originally ordered were provided to WASD Operations for its inventory. The amount of \$16,432.40 will be paid through this Change Order.

Additional Builder's Risk Insurance Premium

Pursuant to the Contract, the Contractor must maintain Builder's Risk Insurance until the work is complete. Due to the project delays experienced as a result of WASD's additional requests, the completion date of the project will be extended from July 30, 2022 to December 19, 2023. Therefore, the Contractor was forced to extend its Builder's Risk Insurance policy, which was originally set to expire on September 11, 2022 but will now be extended through March 15, 2024. The additional Builder's Risk Insurance will cost \$48,652.31, which will be paid through this Change Order.

Contingency Replenishment

At the present time, the project is 70 percent complete, and the Contingency Allowance has been exhausted. To continue ongoing construction efforts without delays and to address any unforeseen issues that may arise, the amount of \$468,300.00 is being requested to replenish the Contingency Allowance Account and 69 days to the Time Allowance Account.

CONCLUSION

Change Order No. 1 provides for a 298-day time extension to be added to the Contract, increases the monetary value of the Contract by \$385,441.23, and, in order to address future unforeseen conditions that could arise before Final Completion, replenishes: (1) the Contingency Allowance Account by \$468,300.00 and (2) the Time Allowance account by 69 days.

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:

ED ED B
9/26/2023

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 **Warren M. Alter** of **MIAMI LAKES, Florida**, 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**, 2028



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 **1st** day of **June**, 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.

MDC008



MEMORANDUM

(Revised)

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

DATE: November 7, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(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. 8(O)(1)
11-7-23

RESOLUTION NO. R-993-23

RESOLUTION APPROVING CHANGE ORDER NO. ONE TO CONTRACT S-914R BETWEEN AARYA CONSTRUCTION & DESIGN, INC. AND MIAMI-DADE COUNTY FOR CD 1.11 GENERAL ELECTRICAL DESIGN – SUBSTATIONS 9, 10, 11 AND 12, WHICH: (1) INCREASES THE TOTAL CONTRACT AMOUNT BY \$853,741.23, THEREBY BRINGING THE TOTAL AWARD UP FROM \$5,491,790.00 TO \$6,345,531.23, AND (2) INCREASES THE CONTRACT DURATION BY 298 DAYS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE SAME AND 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:

Section 1. Approves the foregoing recital and incorporates it into this resolution.

Section 2. Approves Change Order No. One to Contract S-914R between Aarya Construction & Design, Inc. and Miami-Dade County for CD 1.11 General Electrical Design – Substations 9, 10, 11 and 12. Change Order No. One, attached to the accompanying memorandum as Exhibit B: (1) increases the total Contract amount by \$853,741.23, thereby bringing the total Contract award up from \$5,491,790.00 to \$6,345,531.23, and (2) increases the Contract’s duration by 298 days, thereby extending the Final Completion Date from October 7, 2022 to August 1, 2023. The original Contract documents are 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 **Raquel A. Regalado** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	absent		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	absent	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	absent
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 November, 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