

Date: October 3, 2023

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

From: Daniela Levine Cava
Mayor



Agenda Item No. 8(O)(5)

Resolution No. R-870-23

Subject: Resolution Ratifying Change Order No. 1 to Contract S-947

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-947 between Miami-Dade County and Metro Express, Inc. (the Contractor) for additional time. During installation of a 24-inch sanitary sewer force main by way of a Tunnel Boring Machine, equipment became entrenched due to an unforeseen soil condition, and additional time was required for troubleshooting, retrieval of equipment, and planning for an alternative installation approach. As a result, the construction duration was extended by 220 calendar days. There is no fiscal impact to the County. Change Order No. 1 provides for a non-compensable time extension.

RECOMMENDATION

It is recommended that the Board of County Commissioners (the Board) ratify the action of the County Mayor or County Mayor's designee approving Change Order No. 1 to Contract No. S-947. This recommendation has been prepared by the Miami-Dade Water and Sewer Department (WASD).

SCOPE

The scope for this project was to furnish and install a 24-inch sanitary sewer force main along NW 170th Street from NW 97th Avenue to NW 75th Place (the Project). Additional information about Change Order No. 1 is presented on Exhibit A. The Project is in District 12 & 13, which is represented by Commissioner Juan Carlos Bermudez and Commissioner Rene Garcia.

DELEGATED AUTHORITY

The Contract was awarded pursuant to Section 2-8.2.12 of the Miami-Dade County Code related to WASD's Consent Decree and Capital Improvement Program Acceleration Ordinance, which delegates authority to the County Mayor or County Mayor's designee to execute change orders that do not exceed ten percent of the base contract amount, subject to ratification by the Board. This item seeks ratification of Change Order No. 1, which has already been executed by the County Mayor or County Mayor's designee pursuant to Section 2-8.2.12 of the Miami-Dade County Code.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County. Change Order No. 1 provides for a non-compensable time extension of 220 days.

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-947.

BACKGROUND

Award of Contract S-947 to the Contractor was ratified by the Board on January 20, 2021 via Resolution No. R-32-21. The Project required the Contractor to furnish and install a 24-inch sanitary sewer force main along NW 170th Street from NW 97th Avenue to NW 75th Place. The total Contract award was \$6,610,730.76, with a Contingency Allowance of \$526,726.08, and a Contract duration of 365 calendar days for Final Completion, with a Contingency Time Allowance of 37 days.

The Notice to Proceed was issued on January 4, 2021, which established the Final Completion Date as January 4, 2022. During construction, WASD approved a 36 non-compensable calendar day extension through the Contingency Time Allowance due to permit delays related to the COVID-19 Pandemic. The 36-day time allowance extended the Final Completion Date to February 9, 2022.

As part of the scope of work, the Contractor was required to install approximately 497 linear feet of 24-inch force main with a 42-inch steel casing pipe via micro-tunnel under Interstate 75. During installation, the Tunnel Boring Machine (TBM) became ensnared and would not continue to bore. The TBM complication caused significant delays to the Project during the months of October and November 2021 while troubleshooting was conducted to determine the cause of the problem. A joint decision was made between the Florida Department of Transportation, the Engineer of Record (EOR), the Contractor, and WASD to retrieve the TBM by open trench methods and continue installation of the 24-inch force main via open cut.

To facilitate this new installation approach, sheeting and shoring as well as an emergency recovery pit were constructed from February through April 2022. On May 18, 2022, the TBM was retrieved, and the open cut installation went forward through July 2022. The schedule was impacted by a total of 220 days.

SMALL BUSINESS ENTERPRISE MEASURES

On July 25, 2023, the Internal Services Department's Small Business Development (SBD) Division reviewed Contract S-947 for compliance with a 12.74 percent Small Business Enterprise – Construction Services (SBE-Con) goal, 6.21 percent Small Business Enterprise - Goods goal, Responsible Wages and Benefits, Resident's First Training and Employment, and Employ Miami-Dade requirements. SBD determined that Metro Express, Inc. is in compliance with all measures. See the SBD memorandum, attached hereto as Exhibit B.

A copy of Change Order No. 1 to Contract S-947 is attached hereto as Exhibit C.

Attachments

A handwritten signature in blue ink, appearing to read 'Jimmy Morales', is positioned above a horizontal line.

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-947	Furnish and Install 24-Inch Sanitary Force Main Along NW 170 Street from NW 97 Avenue to NW 75 Place	Metro Express, Inc.	District 12 (Juan Carlos Bermudez) District 13 (Rene Garcia)	\$0.00; 220-day time extension	Original Contract Amount \$6,610,730.76; Adjusted Contract Amount \$6,610,730.76	Future WASD Revenue Bonds; WASD Revenue Bonds Sold; Waste-water Connection Charges	Notice to Proceed Start Date: 01/04/2021 Completion Date: 07/09/2022	SBE G/S -6.21% SBE A/E - N/A SBE Const. - 12.74% CWP Prog. - N/A	This project consists of furnishing and installing approximately 9,670 linear feet of 24-inch ductile iron pipe, valves and fittings for a sewage force main along NW 170 Street from NW 97th Avenue to NW 75th Place, as part of the regional wastewater system expansion to service an area of unincorporated Miami-Dade County. *** This Change Order is for a 220-day non-compensable time extension with no fiscal impact.

Memorandum



Date: July 25, 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. TS947: PCTS #15776 Furnish and Install

Project No. TS947 was awarded with a 12.74% Small Business Enterprise – Construction Services (SBE-Con) goal and a 6.21% Small Business Enterprise – Goods goal. Change Order No. 1 to Project No. TS947 was reviewed for application of Small Business Enterprise (SBE) measures. The change order provides for non-compensatory time extension as such the SBE measures remain the same.

The project was reviewed for compliance with the 12.74% SBE-Con and 6.21% SBE-Goods goals and the Responsible Wages and Benefits, Resident's First Training and Employment 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 measures 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. Change Order No. 1 is for a time extension only, as such R-1001-015 does not apply.

The prime, Metro Express, Corp. (Metro Express), has requisitioned \$5,324,699 requiring \$678,367 for compliance with the 12.74% SBE-Con goal and \$330,664 for compliance with the 6.21% SBE-Goods goal. The SBE-Con subcontractors have been paid \$759,501 and the SBE-Goods subcontractor has been paid \$2,046,590 in compliance with the goals applicable to the work performed to date.

The prime and its subcontractors are in compliance with Responsible Wages and Benefits, Residents First Training and Employment Program and Employ Miami-Dade Program. Please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153 for additional information.

c: Marisela Aranguiz, Deputy Director, WASD
Juan Curiel, Assistant Director of Utility Construction, WASD
Laura Verdager, 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

MIAMI-DADE COUNTY, FLORIDA

WATER AND SEWER

CHANGE ORDER TO ORIGINAL CONTRACT

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



CHANGE ORDER NO: 1

CONTRACT NO: S-947

DATE: 7/21/2023

PROJECT TITLE: Furnish and Install 24-Inch Sanitary Force Main Along NW 170 St. from NW 97 Ave. to NW 75 Place

TO CONTRACTOR: Metro Express Inc. 9390 NW 109 Street Medley, FL 33178

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 220-day non-compensable time extension related to a stop in work due to unforeseen conditions. The scope of work for this Contract was already completed satisfactorily and under budget. The Project was completed with more than \$719,500 in unutilized funds.

Monetary Justification:

There is no monetary justification required with this change.

Time Justification:

Contract S-947 was awarded to Metro Express, Inc. (the "Contractor") on January 20, 2021, to furnish and install a 24-inch sanitary force main along NW 170th Street from NW 97th Avenue to NW 75th Place. The award was approved by the Board of County Commissioners (the "Board") on January 20, 2021, via Resolution No. R-32-21. The total Contract awarded was \$6,610,730.76, with a Conti (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-----	\$6,610,730.76
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$6,610,730.76
COST OF CHANGES WITH THIS DOCUMENT-----	\$0.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$6,610,730.76
PERCENT INCREASE WITH THIS CHANGE-----	0%
TOTAL PERCENT INCREASE TO DATE-----	0%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	365 / 0 / 220
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	37 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	622

CERTIFYING STATEMENT:

The Contractor certifies that the changes and supporting cost data included is in its considered opinion necessary and accurate and that the prices quoted are fair and reasonable.

Organization	Name	Accepted By:	Title	Date
Metro Express Inc.	Delia A. Gonzalez	<i>[Signature]</i>	President	8/2/2023
Surety	Michael A. Ronet	<i>[Signature]</i>	Surety	8/2/2023
TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA				
MICHAEL A. RONET, ATTORNEY IN FACT				

Title	Name	Date
Approved By: <u>County Attorney</u> (for legal sufficiency)	Sarah Eggen	8/3/23
Approved By: <u>County Mayor</u>	Roy Co	8/24/2023
Attested By: <u>Clerk of the Board</u>	Olga Valverde	

Olga Valverde - e18183

8-25-23

Time Justification: (Continued)

agency Allowance of \$526,726.08, and a Contract Duration of 365-calendar days for Final Completion, with a Contingency Time Allowance of 37 days.

The Notice to Proceed was issued on January 4, 2021, which established the Final Completion Date as January 4, 2022. During construction, the Miami-Dade Water and Sewer Department (WASD) approved 36 calendar days through the Contingency Time Allowance for permit delays related to the COVID-19 Virus. This time allowance extended the Final Completion Date to February 9, 2022.

As part of the scope of work, the Contract required the Contractor to install approximately 497 linear feet of 24-inch force main with a 42-inch steel casing pipe

MDC005

via micro-tunneling under Interstate 75. During installation, the Tunnel Boring Machine (TBM) stopped and would not continue to bore. The TBM complication caused significant delays to the Project during the months of October and November 2021 while troubleshooting was conducted to determine the cause of the problem. A joint decision was made between the Florida Department of Transportation, the Engineer of Record ("EOR"), the Contractor, and WASD to retrieve the TBM by open trench methods and continue installation of the 24-inch force main via open cut.

To facilitate this new installation approach, sheeting and shoring as well as an emergency recovery pit were constructed from February through April 2022. On May 18, 2022, the TBM was retrieved, and the open cut installation went forward through July 2022. The schedule was impacted by a total of 220 days.

Conclusion:

Change Order No. 1 to the Contract provides for a 220-day non-compensable time extension, which extends the Final Completion Date from February 9, 2022, to September 17, 2022. There are no monetary costs related to this Change Order.

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 of 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

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 A Bonet** of **MIAMI**

Florida, their true and lawful Attorney-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 3rd day of February, 2017.



State of Connecticut

City of Hartford ss.

By:

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

On this the 3rd day of February, 2017, before me personally appeared **Robert L. Raney**, who acknowledged himself to be the Senior Vice President of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations 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, 2021



Marie C. Tetreault
 Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company, 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 Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine 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 remains in full force and effect.

Dated this 2nd day of August, 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-in-Fact and the details of the bond to which the power is attached.

MDC007



MEMORANDUM

(Revised)

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

DATE: October 3, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(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(O)(5)
10-3-23

RESOLUTION NO. R-870-23

RESOLUTION RATIFYING THE COUNTY MAYOR'S DESIGNEE'S EXECUTION OF CHANGE ORDER NO. 1 BETWEEN MIAMI-DADE COUNTY AND METRO EXPRESS, INC. FOR A 220-DAY TIME EXTENSION TO CONTRACT NO. S-947 TO FURNISH AND INSTALL A 24-INCH SANITARY FORCE MAIN ALONG NW 170 STREET FROM NW 97 AVENUE TO NW 75 PLACE PURSUANT TO THE MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE, SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXERCISE THE PROVISIONS CONTAINED THEREIN

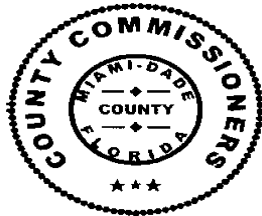
WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that (1) pursuant to the Miami-Dade Water and Sewer Department Consent Decree and Capital Improvements Program Acceleration Ordinance, section 2-8.2.12 of the Code of Miami-Dade County, this Board ratifies the County Mayor's designee's execution of Change Order No. 1, which grants Metro Express, Inc. a 220-day non-compensable time extension to Contract S-947 for the installation of a 24-inch sanitary force main along N.W. 170 Street from N.W. 97 Avenue to N.W. 75 Place; and (2) authorizes the County Mayor or County Mayor's designee to exercise the termination and other provisions contained in the Contract.

The foregoing resolution was offered by Commissioner **Anthony Rodriguez**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen 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 3rd day of October, 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.

SED

Sarah E. Davis