

Date: December 12, 2023

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

From: Daniela Levine Cava
Mayor



Agenda Item No. 8(O)(4)

Resolution No. R-1115-23

Subject: Change Order No. 3 to Contract No. W-943 with Magnum Construction Management, LLC

EXECUTIVE SUMMARY

This item seeks approval from the Board of County Commissioners (Board) to authorize Change Order No. 3 for the installation of a 36-inch ductile iron (DI) water main along NW 106th Street from NW 107th Avenue to NW South River Drive (the "Project"). After starting construction, the Contractor discovered multiple unforeseen field conditions, including significant ammonia contamination, as well as utility conflicts, which continue to impact the Project. Change Order No. 3 compensates the Contractor for the additional costs required due to the unforeseen conditions encountered, including unanticipated field conditions while performing pipe installation, material price increases, and changes in the design of micro-tunneling installation (incorporating specialized entry and exit pits and additional maintenance of traffic).

Change Order No. 3 increases the Contract amount by \$6,519,566.88, which includes a Contingency Allowance replenishment of \$1,815,800.00. At the present time, construction is on-going, and the additional time that may be awarded to the Contractor is still being evaluated. Contract W-943 was awarded to Magnum Construction Management, LLC d/b/a MCM on May 17, 2021. The award was ratified by the Board via Resolution No. R-820-21. The total Contract award was \$8,058,491.70 with a Contract duration of 420-calendar days for Final Completion and a Contingency Time Allowance of 42 days. The Contract amount was increased by \$5,395,741.73 to \$13,454,233.43 through Change Order No. 1 and No. 2.

MCM has inserted a reservation of rights to the Change Order, through which it indicates it may seek additional monies for this work in the future. Therefore, it is not releasing the County through this Change Order.

RECOMMENDATION

It is recommended that the Board approve Change Order No. 3 to Contract No. W-943. The Change Order increases the Contract amount by \$6,519,566.88. Approval of this Change Order will increase the total Contract amount from \$13,454,233.43 to \$19,973,800.20.

DELEGATED AUTHORITY

Upon approval of this item, the County Mayor or County Mayor's designee shall have the authority to execute Change Order No. 3.

CAPITAL IMPROVEMENT PROJECT

Item 1— Change Order No. 3 to Contract No. W-943 is for an increase of \$6,519,566.88 to the Contract award.

SCOPE

The Project is located in District 12, which is represented by Commissioner Juan Carlos Bermudez.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact of Change Order No. 3 to the County is \$6,519,566.88, which Miami-Dade Water and Sewer (WASD) has determined is a fair and reasonable amount for the additional work described in Change Order No. 3.

Funding will be provided from Project Water – Pipes and Infrastructure, OMB #: 967190, page 99 of the FY 2023 - 24 Adopted Budget and Multi-Year Capital Plan. The funding sources are Water Renewal and Replacement Fund, Revenue Bond Sold and Future WASD Revenue Bonds.

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. 3 to Contract W-943.

BACKGROUND

Contract W-943 was awarded to Magnum Construction Management, LLC d/b/a MCM on May 17, 2021. The award was ratified by the Board via Resolution No. R-820-21. The total Contract award was \$8,058,491.70 with a Contract duration of 420-calendar days for Final Completion and a Contingency Time Allowance of 42 days. The Contract amount was increased by \$5,395,741.73 to \$13,454,233.43 through Change Order No. 1 and No. 2.

After MCM was issued the Notice to Proceed (NTP) and began construction, contamination, including a large amount of ammonia, was encountered unexpectedly along segments of the Project corridor. The contamination was not indicated in any reports, including a review by DERM, used during the planning and design phases of the Project. In addition to the design documents, these reports are utilized by contractors as a basis for developing their bids. Because no risk of contamination had been identified in the reports, the original bids included traditional means and methods for dewatering and contemplated the use of open cut to install the new 36-inch DI water main. However, due to the levels of contamination found, MCM was unable to install the new 36-inch water main via open cut trench method with dewatering activities, as originally bid.

To expeditiously continue construction without delays or additional costs for demobilization and remobilization, Change Order No. 1 was approved for \$700,309.00, pursuant to Section 2-8.2.12 of the Code, WASD's Acceleration Ordinance. Change Order No. 1 ensured the uninterrupted continuation of the Project's construction, lessening the impact on the residents and businesses affected by the ongoing construction. Change Order No. 1 also extended the Contract's duration by 111 days, thereby moving the Final Completion Date from November 14, 2022 to March 5, 2023. Change Order No. 1 was ratified by the Board on January 17, 2023 via Resolution No. R-28-23.

After exhausting all dewatering options, due to the unforeseen contamination, the only method available to continue with the installation of the new water main was installation by a licensed commercial dive team. The dive team is equipped with specialized protective suits that allow the workers to safely navigate through contaminated groundwater. Change Order No. 2 in the amount of \$4,695,432.73 was approved for the remaining balance needed for the completion of the installation of the 8,400 LF of 36-inch DI water main by the dive team as well as to cover three unforeseen situations that impacted the Project. Change

Order No. 2 also replenished the Contingency Account and extended the Contract's duration by seven (7) days, thereby moving the Final Completion Date from March 5, 2023 to March 12, 2023. Change Order No. 2 was approved by the Board on March 7, 2023 via Resolution No. R-238-23.

CHANGE ORDER NO. 3

As construction continued, the Project continued to experience unforeseen field conditions, which impacted three (3) work items: unanticipated field conditions while performing pipe installation, material price increases, and pipe installation using trenchless technology. Additionally, because this has been a complicated project and construction remains ongoing, additional unforeseen conditions are likely to arise prior to completion. Therefore, this Change Order also requests additional funds to replenish the Contingency Account for the Project.

MCM has inserted a reservation of rights to the Change Order, through which it indicates it may seek additional monies for this work in the future. Therefore, it is not releasing the County through this Change Order.

Unanticipated Field Conditions While Performing Pipe Installation

Change Order No. 2 was previously issued to the Contractor for a dive team to install the water main in the wet. Upon executing Change Order No. 2, the Contractor reserved its right to assert additional claims based on the unknown nature of the pipe installation. The Contractor's cost proposal was based on the premise of installing an average of 40.5 linear feet (LF) of pipe per day. The installation activities included exploratory digging, excavation, pipe installation, backfilling, compaction, the removal of the night box, and hauling.

The Contractor submitted a claim to recover costs associated with the pipe installation operations that were a result of the high number of unforeseen utility conflicts, exploratory excavations, and the complexity of pipe installation with diving. The following additional costs associated with the unforeseen conditions will be paid on a time and material basis through this Change Order No. 3:

- Additional pipe installation costs (based on a daily crew/equipment cost of \$14,427.52/day) for a total of 55 additional calendar days = \$793,513.60
- Exploratory excavation costs (based on a daily crew/equipment cost of \$7,122.53/day) for a total of 22 calendar days = \$156,695.66
- Additional costs associated with the use of the divers over the expected duration of Change Order No. 2 (to be verified with invoice and payment documentation) = \$258,161.12
- Additional costs associated with the use of specialty subcontractors (Allied Trucking, Land Construction, and Perpetual Towing) during the pipe installation work (costs not accounted for in Change Order No. 2 and to be verified with invoice and payment documentation) = \$191,435.76

The total additional cost associated with the unanticipated field conditions is \$1,399,806.14, which will be paid through this Change order.

Material Price Increases

The Contractor's scope includes the procurement of 36-inch restrained and unrestrained DI pipe and appurtenances required for the Project. The bid for the Project was due on April 23, 2020. On September 20, 2021, WASD issued the NTP for the Project. On September 20, 2021, the Contractor notified WASD that unforeseen contamination was found in the Project area. Following the notification, WASD and the Contractor evaluated different methodologies for the installation of the pipe in the unforeseen

contamination, which also included evaluation of different pipe materials. On March 8, 2022, after evaluating various pipe installation methodologies and pipe materials, WASD issued a directive to the Contractor to install the DIP pipe using a 5-man dive team, per OSHA and County requirements.

Although the NTP was issued in September 2021, the Contractor could not order the pipe due to the necessary evaluation of the different installation methodologies and pipe materials. This was not completed until March 2022, which was 6-months after the NTP and 23-months following the bid. During this time, material prices increased dramatically, and the Contractor was not able to order the pipe at the bid price. The increase in pipe material was due to several factors and cost increases that occurred between the time of bid and the procurement of the pipe, including increase in fuel costs, material shortages, the pandemic, and the cost of recycled metals used in the pipe production. The pipe cost increased from \$190.96/LF to \$251.65/LF for restrained pipe and from \$123.32/LF to \$170.63/LF for unrestrained pipe. This led to an overall pipe material cost for the Project of \$419,440.70, which will be paid through this Change Order.

Installation of Pipe through Trenchless Technology:

The original Contract documents contained a Florida East Coast (FEC) Railroad track crossing, along NW 106th Street, via a 36-inch micro-tunnel (MT) trenchless installation methodology. Due to unforeseen utilities that were found in the vicinity, the MT was determined to be un-constructible at this location, and an alternate location was sought.

To maintain the existing pipe alignment, a plan to relocate the MT entry and exit pits was discussed with the Town of Medley, the Engineer of Record and the Contractor. The new proposed plan relocates the MT pits within the drivable lanes of NW 106th Street. However, due to the heavy commercial and industrial truck traffic along this road, the City of Medley dictated that the construction of the pits occur during the night-time hours and, in order to allow for the road along NW 107th Street to be open during the daytime hours, required the Contractor to cover the MT pits with engineered heavy-weight traffic-rated platforms and specialized bracing mechanisms.

The following additional costs associated with the relocation of the MT entry and exit pits will be paid on a time and material basis through this Change Order:

- Additional labor, equipment, and material costs to construct and demolish the specialized pits that are required to ensure daytime traffic remains uninterrupted.
- Additional maintenance of traffic (MOT) costs
- Additional soil monitoring and testing

The total additional cost associated with the unanticipated field conditions for the installation of pipe via trenchless technology is \$2,884,519.93, which will be paid through this Change Order. Due to the complexity of the MT design, WASD, the Engineer of Record, and the Contractor will continue to actively evaluate the most cost-effective trenchless installation method.

Replenishment of the Contingency

Construction is currently ongoing, and unforeseen situations may arise during construction; therefore, a replenishment of the Contract's Contingency Allowance of \$1,815,800.00 is needed to address any further unforeseen issues that may arise during the remainder of the work.

Change Order No. 3 to the Contract increases the Contract amount by \$6,519,566.88 from \$13,454,233.43 to \$19,973,800.20, including replenishment of the Contingency Account. At the present time, construction

is ongoing, and the additional time to be awarded to the Contractor based on these delays is still being evaluated.

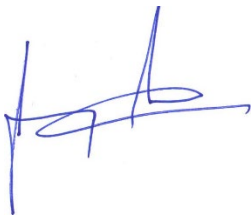
SMALL BUSINESS ENTERPRISE MEASURES

On October 17, 2023, prior to the issuance of Change Order No. 3, the Internal Services Department's Small Business Development (SBD) Division reviewed Contract W-943 for compliance with a 15.65 percent Construction (SBE-Con) goal; 4.00 percent Small Business Enterprise - Goods and Services (SBE-Goods) goal; Responsible Wages and Benefits program; the Resident's First Training and Employment requirement; the Employ Miami-Dade requirement; and Resolution No. R-1001-15. However, because of the increased Contract value, the originally-awarded goals do not apply to Change Order No. 3. Further, as noted in the Change Order No. 2 Memorandum, MCM reported, and WASD Project staff confirmed, that the unforeseen contamination along the Project corridor triggered a major change in the means and methods originally projected to complete the work. As a result, two of the SBE-Con firms scheduled to perform the pipe installation work withdrew from the Project. As required by the Miami-Dade County Code, MCM contacted all SBE-Con firms certified to perform the pipe installation work to substitute for the two firms that withdrew but was unable to identify an available replacement. As such, MCM was excused from the goal applicable to the pipe installation work committed to the two SBE-Con firms that withdrew.

On October 17, 2023, SBD determined that: (1) MCM is in compliance with Resolution No. R-1001-15 as it relates to the 4% SBE-Goods goal but (2) has been unable to achieve the 85% SBE-Con goal applicable to the work performed to date.

MCM is in compliance with the Responsible Wages and Benefits programs. MCM is also in compliance with the Residents First Training and Employment requirements and the Employ Miami-Dade requirements. See the SBD memorandum attached hereto as Exhibit A.

Exhibit B is Change Order No. 3, which is identified in this memorandum. A copy of the original Contract is available upon request from WASD's Procurement Division.



Jimmy Morales
Chief Operations Officer

Memorandum



Date: October 17, 2023

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

From: Gary T. Hartfield, Director
Office of Small Business Development

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

Subject: Project No. W-943, Furnish and Install 36-Inch D.I. Water Main along NW 106 St, from NW 107 Ave to NW South River Drive

Project No. W-943 was awarded with a 15.65% Small Business Enterprise – Construction Services (SBE-Con) goal and a 4% Small Business Enterprise – Goods & Services (SBE-G/S) goal. Change Order No. 3 to Project No. W-943 was reviewed for application of Small Business Enterprise (SBE) measures. The change order increases the contract value. The awarded SBE goals will not apply to this change order.

On December 23, 2022, Small Business Development (SBD) excused the prime, Magnum Construction Management, Inc. (MCM), from 13.73% of the 16.65% SBE-Con goal because it was unable to identify substitute SBE-Con firms to perform pipe installation work committed to two SBE-Con firms that withdrew from the project. As a result of this change, the project was reviewed for compliance with the remaining 1.92% SBE-Con goal, the 4% SBE-G/S goal, the Responsible Wages and Benefits program, the Residents First Training and Employment requirement, the Employ Miami-Dade requirement, and Resolution R-1001-15. Resolution R-1001-15 requires County contracts will 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.

MCM has performed/requisitioned \$10,242,114.83 requiring the SBE-Con firms to have performed \$167,151.31 and SBE-G/S firms to have performed \$348,231.90 for compliance with Resolution R-1001-15. To date, the SBE Con firms on the project have performed \$273,954.50 and the SBEG/S firms have performed \$1,001,332.77 in compliance with Resolution R-1001-15.

MCM is in compliance with the Responsible Wages and Benefits and workforce requirements. For additional information, please contact Alice Hidalgo-Gato, SBD Section Chief, at 305-375-3153.

c: Marisela Aranguiz, Deputy Director, WASD
 Juan Curiel, Chief, Pipeline and Pump Station 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
 Miguel Pichardo, Project Manager, WASD
 Jose Alvarez, Project Manager, WASD
 SBD Section Chiefs

Exhibit B

MIAMI-DADE COUNTY, FLORIDA

WATER AND SEWER

CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: 3

CONTRACT NO: W-943

DATE: 10/13/2023

PROJECT TITLE: Furnish and Install 36-Inch D.I. Water Main along NW 106 St., from NW 107 Ave. to NW South River Dr.
TO CONTRACTOR: Magnum Construction Management, LLC dba MCM 6201 SW 70 ST, 1st Floor Miami, FL 33143

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:

As a result of unforeseen conditions, Change Order No. 3 increases the contract amount by \$6,519,566.88, which amount includes a Contingency Allowance replenishment of \$1,815,800.00. At the present time, construction is ongoing, and the additional time required to complete this Project is still being evaluated.

Monetary Justification:

Contract W-943 for Furnishing and Installing 36-Inch DIP Water Main along NW 106th Street from NW 107th Avenue to NW South River Drive (the "Project") was awarded to Magnum Construction Management, LLC d/b/a MCM ("Contractor") on May 17, 2021. The award was approved by the Board of County Commissioners (the "Board") on September 1, 2021, via Resolution No. R-620-21. The total Contract award was \$6,058,481. (Continued below)

Time Justification:

At the present time, construction is ongoing and the additional time is still being evaluated.

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-----	\$8,687,900.84
COST OF CHANGES PREVIOUSLY ORDERED-----	\$5,395,741.73
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$13,454,233.43
COST OF CHANGES WITH THIS DOCUMENT-----	\$6,519,566.88
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$19,973,800.31
PERCENT INCREASE WITH THIS CHANGE-----	69%
TOTAL PERCENT INCREASE TO DATE-----	63%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	420 / 118'0
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	42 / 0'0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	573

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>Accrued By:</u>	<u>Title</u>	<u>Date</u>
Magnum Construction Management, LLC dba MCM		*	Vice President	10/18/23
<u>Surety</u>			<u>Contractor</u>	

<u>Title</u>	<u>Name</u>	<u>Date</u>
Approved By: <u>County Attorney</u> (for legal sufficiency)		
Approved By: <u>County Mayor</u>		
Attested By: <u>Clerk of the Board</u>		

Monetary Justification: (Continued)

70, with a Contract duration of 420-calendar days for Project Completion, and a Contingency Time Allowance of 42 days. The Contract amount was increased by \$5,395,741.73 to \$13,454,233.43 through Change Order Nos. 1 and 2. The Project experienced three (3) extra work items. The additional work includes pipe installation with a dive team, material price increase, and pipe

* Subject to attached reservation of right

MDC007

installation using trenchless technology. Through this Change Order No. 3, the Miami-Dade Water and Sewer Department ("WASD") is also requesting a replenishment of the contingency account in order to address future unforeseen situations that may arise because construction is still ongoing. Unanticipated Field Conditions While Performing Pipe Installation Change Order No. 2 was previously issued to the Contractor to provide a 6-man dive team to install the water main in the wet. Upon executing Change Order No. 2, the Contractor reserved his rights for additional claims due to the unknown nature of the pipe installation in the wet. The Contractor's cost proposal was based on the premise of installing an average of 40.5 linear feet (LF) of pipe per day. The installation activities include exploratory digging, excavation, pipe installation, backfilling, compaction, the removal of the night box and hauling. The Contractor has now submitted a claim to recover costs associated with the pipe installation operations that increased due to unforeseen utility conflicts, exploratory excavations, and the complexity of pipe installation with diving. The Contractor's claim includes costs for performing exploratory digging and additional costs of diving over the original estimate.

The following additional costs associated with the unforeseen conditions while performing pipe installation in the wet with a 6-man dive team will be paid on a time and material basis:

- o Additional pipe installation costs based on a daily crew/equipment cost of \$14,427.52/day for a total of 55 additional calendar days = \$793,513.66.
- o Exploratory excavation costs based on a daily crew/equipment cost of \$7,122.53/day for a total of 22 calendar days = \$156,695.66.
- o Additional costs associated with the use of the divers beyond the duration anticipated in Change Order No. 2 (to be verified through invoices and amount paid to dive company) = \$258,161.12.
- o Additional costs associated with the use of specialty subcontractors (Allied Trucking, Land Construction and Perpetual Towing) during the pipe installation work, which costs were not accounted for in Change Order No. 2 and which will be verified through invoices and amount paid to the specialty subcontractors = \$191,435.78.

The total additional cost associated with the unanticipated field conditions while diving is \$1,399,806.25, which will be paid through this Change Order.

Material Price Increase

The Contractor's scope includes the procurement of 36-inch restrained and unrestrained ductile iron pipe (DIP) and appurtenances required for the Project. The bid for the Project was due on April 23, 2020. On September 20, 2021, WASD issued the notice to proceed for the Project. On September 20, 2021, the Contractor notified WASD through Notice of Impact (NOI) No. 1 that unforeseen contamination was found in the Project area. Following the issuance of the NOI, WASD and the Contractor evaluated different methodologies for the installation of the pipe in the unforeseen contamination, which also included evaluation of different pipe materials. On March 8, 2022, after evaluating various pipe installation methodologies and pipe materials, WASD issued a directive to the Contractor to install the DIP pipe using a 5-man dive team, per OSHA and County requirements.

Following the notification of cost increase to WASD, the Contractor procured the pipe to begin with the Project. Although the NTP was issued in September 2021, the Contractor could not order the pipe at the bid prices until the evaluation of the different installation methodologies and different pipe materials was completed, which was not until March 2022, which was 6-months after the NTP and 23-months following the bid.

The increase in pipe material was due to several factors and cost increases that occurred between the time of bid and the procurement of the pipe, including increase in fuel costs, material shortages, the pandemic, and the cost of recycled metals used in the pipe production.

The pipe cost increased from \$180.86/LF to \$261.66/LF for restrained pipe, and from \$123.32/LF to \$170.63/LF for unrestrained pipe. This led to an overall increase in the costs for the pipe required to complete the Project of \$419,440.70. The amount of \$419,440.70 will be paid through this Change Order.

Installation of Pipe through Trenchless Technology (Horizontal Direction Drill or Micro Tunneling Method)

The original scope of work contains a line item for a 36-inch micro-tunnel (MT) under the FEC Railroad tracks along NW 106th Street. The MT would measure approximately 300 feet in length and would call for the pipe to be buried approximately five (5) to six (6) feet underground. However, the presence of unforeseen utility conflicts in the direct vicinity of one of the MT pits have caused for the MT to be deemed un-constructible at this location, and an alternate location for the entry and exit pit was sought.

Since the portions of pipe outside the limits of the MT have been already constructed, maintaining the alignment of the pipe is necessary. A revised plan to relocate the MT pits was discussed with the Town of Medley, the Engineer of Record, and the Contractor. It consists of constructing the pits within the drivable lanes of NW 106th Street. Due to the heavy commercial and industrial truck traffic that occurs along this road, the City of Medley approved a plan that would allow for the construction of the pits during the night-time hours, which could be covered with engineered heavy-weight traffic-rated platforms and specialized bracing mechanisms that would allow for the Contractor to open the road during daylight hours to ensure traffic flow was maintained along NW 107th Street.

The \$2,884,519.93 in cost overruns of line item 27 (Furnish and Install MT under FEC Easement), which shall be paid via time and materials, have been estimated to pay for the following:

- Additional labor, equipment, and material costs to construct and demolish the specialized pits that would be required to ensure daylight traffic remains uninterrupted
- Additional MOT costs
- Additional soil monitoring and testing

Due to the complexity of this MT design, WASD, the Engineer of Record, and the Contractor will continue to evaluate the most cost-effective trenchless installation methods, such as Horizontal Direction Drilling (HDD), possible for this installation. The additional \$2,884,519.93 will be paid through this Change Order.

Replenishment of Contingency Account

Construction is currently ongoing, and due to the complexity of this Project, unforeseen situations are likely to arise during construction; therefore through this Change Order, the Contractor's Contingency Allowance will be replenished with \$1,815,800.00.

Conclusion:

Change Order No. 3 to the Contract increases the monetary value of the Contract by \$8,519,566.88, which includes a Contingency Allowance replenishment of \$1,815,800.00 to address future unforeseen conditions that may arise.

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.



RESERVATION OF RIGHTS

We appreciate MDWASD's considerations in preparing this change order in order to pay for change order work that has already been or is in the process of being performed while we continue to work through the ongoing impacts associated with this project. We agree the monies accounted for herein are undisputedly due to MCM, but we do not agree these figures consider the entire ongoing impact, nor all recoverable costs associated with the impacts. Accordingly, since agreement on the amount due to MCM for the impacts addressed in this Change Order has not been reached, the release language in the change order does not apply and MCM reserves all rights.



MEMORANDUM

(Revised)

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

DATE: December 12, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(4)

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)(4)
12-12-23

RESOLUTION NO. _____ R-1115-23

RESOLUTION APPROVING CHANGE ORDER NO. THREE TO CONTRACT NO. W-943, INSTALLATION OF 36-INCH DUCTILE IRON WATER MAIN ALONG N.W. 106 STREET FROM N.W. 107 AVENUE TO N.W SOUTH RIVER DRIVE, BETWEEN MAGNUM CONSTRUCTION MANAGEMENT, LCC D/B/A MCM AND MIAMI-DADE COUNTY, WHICH INCREASES THE TOTAL CONTRACT AMOUNT BY \$6,519,566.88, THEREBY BRINGING THE TOTAL AWARD UP FROM \$13,454,233.43 TO \$19,973,800.31; 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 approves Change Order No. Three to Contract W-943, Installation of 36-Inch Ductile Iron Water Main Along N.W. 106 Street from N.W. 107 Avenue to N.W. South River Drive, between Magnum Construction Management, LLC d/b/a MCM and Miami-Dade County. Change Order No. Three, attached to the accompanying memorandum as Exhibit B, increases the total Contract amount by \$6,519,566.88, thereby bringing the total contract award up from \$13,454,233.43 to \$19,973,800.31. 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 **Raquel A. Regalado**, 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	absent	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	absent
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 12th day of December, 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