

Date: February 6, 2024

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

From: Daniella Levine Cava
Mayor



Agenda Item No. 8(O)(3)

Resolution No. R-106-24

Subject: Change Order No. 3 to Contract W-944 with Lee Construction Group, Inc.

EXECUTIVE SUMMARY

This item seeks approval from the Board of County Commissioners (the “Board”) to authorize Change Order No. 3 to Contract W-944 between Miami-Dade County and Lee Construction Group, Inc. (the “Contractor”) to build an Electrical Switchgear Building for the Lime Kiln Plant located at the Alexander Orr Water Treatment Plant (WTP) (the “Project”). A copy of Change Order No. 3 is attached hereto as Exhibit A.

The Project was awarded and approved by the Board on October 2, 2018, via Resolution No. R-1022-18. As construction progressed, the Project encountered unforeseen conditions related to unsuitable soil material and underground utilities conflicts that were not shown on the Contract Documents or on the record drawings. These unforeseen conditions halted construction and resulted in additional effort to continue the Project, including installation of an additional underground electrical duct bank.

In order to minimize project delays/cost, keep construction moving, and ease the burden on the Small Business Contractor performing the work, the Miami-Dade Water and Sewer Department (“WASD”) approved Change Order No. 2 in the amount of \$287,658.11, through the authority delegated to the County Mayor or County Mayor’s designee in WASD’s Consent Decree and Capital Improvements Acceleration Ordinance, section 2-8.2.12 of the Miami-Dade County Code (the “WASD Accelerate Ordinance”). Change Order No. 2 partially covered the additional work related to the utility conflicts and revisions to the electrical duct bank route, and increased the total Contract amount to \$6,820,557.76.

Change Order No. 3 increases the Contract amount by \$3,164,000.03, which amount includes the remaining costs for the additional work related to the unforeseen utility conflicts and the redesigned electrical duct bank route in an amount of \$367,440.00. It also includes costs of additional items, including the installation of an additional neutral control for Primary Unit Substations 1, 2 and 13; the payment for electrical equipment storage and insurance fees and the extension of the Builders Risk Insurance policy that total \$171,108.18; a replenishment of the Contingency Allowance in the amount of \$550,451.85; and establishment of several Dedicated Allowance Accounts that total \$2,075,000.00 that may be needed to address future issues that could arise during the completion of this Project. Change Order No. 3 also includes a time extension of 1,165 calendar days due to the several unforeseen conditions encountered during construction.

RECOMMENDATION

It is recommended that the Board approve Change Order No. 3 to Contract W-944. The Change Order increases the Contract amount by \$3,164,000.03 and extends the Contract duration by 1,165 calendar days. Approval of this Change Order will: (1) increase the total Contract amount from \$6,820,557.76 to \$9,984,557.79, which includes a replenishment of the Contingency Allowance of \$550,451.85 and

establishment of several Dedicated Allowance Accounts; and (2) extend the Project Final Completion date from April 24, 2021 to July 1, 2024.

Although the Contractor classified the delays associated with the four incidents identified above as Compensable Delays in accordance with Section 8(C)(1)(c) of the Contract's General Terms and Conditions, WASD has recommended that the delay be classified as non-compensable, excusable delay. The additional 1,165 calendar days will, therefore, be granted as a non-compensable time extension through the approval of this Change Order; however, the Contractor has reserved its rights to pursue its claims for additional costs and liquidated indirect costs related to the delays for this 1,165-day extension at the completion of the Project.

CAPITAL IMPROVEMENT PROJECT

Item 1– Change Order No. 3 to Contract W-944 is for an increase in the Contract award of \$3,164,000.03 and a time extension of 1,165 calendar days.

SCOPE

The Project is in District 6, which is represented by Commissioner Kevin M. Cabrera.

FISCAL IMPACT/FUNDING SOURCE

The fiscal impact of Change Order No. 2 to the County is \$3,164,000.03.

Funding will be from Project 9650031 -WATER RESET PROGRAM – WATER TREATMENT PLANT ALEXANDER ORR, JR. EXPANSION PROGRAM #: 9650031, page 101 in the FY 2023-24 Adopted Budget and Multi-Year Capital Plan. The funding sources are WASD Revenue Bonds Sold and Future WASD Revenue Bonds.

DELEGATION OF AUTHORITY

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

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-944.

BACKGROUND

Contract W-944 was awarded to the Contractor to build the Project on October 2, 2018, via Resolution No. R-1022-18. The total Contract award was \$6,270,105.91, with a Contingency Allowance of \$550,451.85, and a Contract duration of 300-calendar days, with a Contingency Time Allowance of 30 days.

At the beginning of the Project, WASD approved a 30-day non-compensable time extension from the Contract's Contingency Time Allowance that extended the Final Completion date from May 18, 2020, to June 17, 2020, due to problems the Contractor encountered with obtaining the building permits.

In March 2021, WASD approved Change Order No. 1 for \$262,793.74 and a 310-day time extension due to electrical enhancements that were needed to improve safety and the life span of the equipment. Change Order No. 1 was ratified by the Board in May 2021 and: (1) increased the total Contract amount to \$6,532,899.65, which represented a 4.19% total cost increase, and (2) extended the Final Completion date to April 23, 2021.

In order to minimize project delays/cost, keep construction moving, and ease the burden on the Small Business Contractor performing the work, WASD approved Change Order No. 2 in the amount of \$287,658.11, which partially covered the additional work related to the utility conflicts and revisions to the electrical duct bank route. Change Order No. 2 was awarded through the authority delegated to the County Mayor or County Mayor's designee pursuant to the WASD Accelerate Ordinance, section 2-8.2.12 of the Miami-Dade County Code and will be brought to the BCC for ratification soon. Change Order No. 2 increased the total Contract Amount to \$6,820,557.76.

Monetary Component of Change Order No. 3

Construction progression and delivery have been further impacted by a number of events that have required WASD to take the following actions that will be approved through this Change Order:

- Payment of \$538,548.18 for the remaining costs for the additional electrical duct bank work related to the unforeseen utility conflicts; the installation of an additional neutral conductor for Primary Unit Substations 1, 2 & 13; payment for Electrical Equipment Storage and Insurance Fees; and the extension of the Builders Risk Insurance policy;
- Replenishment of the Contingency Allowance in the amount of \$550,451.85 to respond to potential future unforeseen and differing site conditions, which may arise during the remainder of the work;
- Creation of Dedicated Allowance Accounts totaling \$2,075,000.00 to be used at WASD's discretion so that the Contractor may be authorized to perform necessary services that arise but may be outside the original scope of work; and
- Approval of a time extension for 1,165 days, which will move the Project's Final Completion date from April 23, 2021 to July 1, 2024 as a result of several unforeseen conditions that required construction to stop while portions of the Project were redesigned.

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

1. Remaining Cost to Furnish and Install Additional Underground Electrical Duct Bank -This portion of Change Order No. 3 includes the remaining costs for the additional work related to the unforeseen utility conflicts and the redesigned electrical duct bank route (\$367,440.00). The total approved cost for this work was \$655,098.11. To minimize Project delays/cost, keep construction moving, and ease the burden on the Small Business Contractor performing the work, the County approved Change Order No. 2 in the amount of \$287,658.11 through the authority delegated to the County Mayor or County Mayor's designee in the WASD Accelerate Ordinance, section 2-8.2.12 of the Miami-Dade County Code.
2. Installation of Additional Neutral Conductor for the Tie Circuits of Primary Unit Substations 1, 2 & 13- \$44,045.42 will be awarded for furnishing and installing 36 new neutral cables that are necessary to complete the connection of the tie circuits between Primary Unit Substations 1, 2 and 13.
3. Electrical Equipment Storage Fees- As a result of the extended duration of this Project, the Contractor's warehouse was used, between February 2022 to May 2023, as temporary storage for the switchgear equipment. To date, \$89,804.40 has been paid for this storage through the Contract's Contingency Account. The storage period needs to be extended through May 2024, which is the anticipated date the construction of the Switchgear building should be near completion and ready to receive the equipment. \$68,789.70 is being awarded through this Change Order for

the additional storage and insurance expenses needed to cover the additional costs for the June 2023 to May 2024 time period.

4. Extension of the Builders Risk Insurance- As the Final Completion date for the Project has moved, WASD awarded the Contractor \$24,890.99 through the Contract's Contingency Allowance to cover the costs for renewal and extension of the Builder's Risk Insurance coverage through the projected Contract completion date of July 31, 2022. Due to continuing unforeseen underground utility conflicts and problems with soil stabilization, the Contractor has submitted a cost proposal in the amount of \$58,273.06 for the reimbursement of the cost needed to maintain the Builder's Risk Insurance from July 31, 2022, to January 1, 2024.

Replenishment of the Contingency

Construction is currently ongoing, and unforeseen situations may arise during construction; therefore, a replenishment of the Contract's Contingency Allowance in the amount of \$550,451.85 is needed to address any further unforeseen issues that may arise during the remainder of the work, in order to avoid further delays in the completion of the Project.

Dedicated Allowance Accounts

In addition, this Change Order adds \$2,075,000.00 for the following dedicated allowance accounts, which will be used at the discretion of WASD and shall be utilized subject to the General Terms and Conditions in the Contract:

- Dedicated Allowance for Additional Bond & Insurance Cost- A Dedicated Allowance Account is being established in the amount of \$150,000.00 for reimbursement of the cost of additional bond and insurances due to the increase in the total Contract amount and time. Payment shall reimburse the Contractor for only actual costs as approved by WASD.
- Dedicated Allowance for Additional Excavation and existing underground utility relocation/removal- A Dedicated Allowance Account is being established in the amount of \$325,000.00 for reimbursement of the cost of all required materials, labor, and equipment to complete all required excavations, sheeting and shoring, and utility relocations/removals that arise due to unforeseen underground conflicts. This Dedicated Allowance will be used, in accordance with the Contract Documents, to cover all costs for excavations; utility relocation/removal; sheeting and shoring; potholing; construction; restoration work, including asphalt; and all other work associated with required additional excavation work and utility relocations/removal not included in other proposal items.
- Dedicated Allowance for Potential Contractor Claims- A Dedicated Allowance Account is being established in the amount of \$1,600,000.00 to potentially resolve three claims the Contractor has raised related to the 1,165-day time extension to the Project being granted through this Change Order:
 - Claim due to adjustments in labor and materials for the electrical work- \$743,100.00
 - Claim due to adjustment in labor and materials for the structural work- \$565,650.00
 - Claim due to Liquidated Indirect Cost- \$291,250.00.

WASD is still evaluating the merit of the Contractor's claims.

Any portions of the Dedicated Allowance funds remaining after all authorized payments have been made will be withheld from Contract payments and will remain with WASD.

Time Component of Change Order No. 3

MDC004

The date of the Notice to Proceed (“NTP”) was July 23, 2019, which established May 18, 2020, as the Contract’s Final Completion date.

After issuance of the NTP, WASD approved a time extension of 30 calendar days through the Time Contingency Allowance due to delays experienced in obtaining the construction permit as a result of changes to the Building Code.

Subsequently, a time extension of 310 non-compensable calendar days was approved through Change Order No. 1 because the Contractor was required to make several electrical enhancements to the Project in order to improve safety and increase the life span of the equipment. Change Order No. 1 revised the Contract’s Final Completion date to April 23, 2021, which was ratified by the Board on May 18, 2021.

After Change Order No. 1 was ratified, the Project experienced four (4) incidents that impacted the Contract’s critical path and resulted in the need for a 1,165-day time extension to the Contract, which is being approved through this Change Order.

1. Unforeseen Utility Conflicts – 180-Day Time Extension: The scope of this Project includes the installation of an underground electrical duct bank. Upon performing utility locates along the proposed duct bank corridor, the Contractor confirmed that the construction of the proposed corridor was not feasible due to extensive underground utility conflicts that were not identified in the historical records or Contract Documents. To account for the delay incurred while evaluating potential alternatives, the Contractor requested a 180-day time extension. WASD reviewed the request and recommends that the 180-day time extension be added to the Contract through this Change Order.
2. Electrical Duct Bank Relocation – 570-Day Time Extension: After exhaustive field verification, the Engineer of Record (“EOR”) presented a new alignment for the underground electrical duct bank. To account for the delay incurred while waiting on the redesign by the EOR and the additional time for constructing the new duct bank, the Contractor requested a 570-day time extension. WASD reviewed the request and recommends that the 570- day time extension be added to the Contract through this Change Order.
3. Unsuitable Material – 359-Day Time Extension: During excavation for the proposed building, the Contractor discovered voids within the soil, which generated uncertainty regarding the soil bearing capacity. Pre-construction site borings had not previously identified any voids and/or issues with the soil conditions. A geotechnical engineering firm was contracted to conduct site inspections and develop a soil removal plan for the unsuitable conditions and replacement of suitable fill material. The cost associated with this additional work (\$52,263.36) was processed and paid though the Contract’s Contingency Allowance. The Contractor requested a 359-calendar daytime extension associated with the time it took to: hire a geotechnical firm, conduct geotechnical testing, prepare and submit a geotechnical report with findings, and implement the recommendations. WASD reviewed the request and recommends that the 359-day time extension be added to the Contract through this Change Order.
4. Relocation of 8-inch Pipe – 56-Day Time Extension: The scope of this Project includes relocating an existing 12-inch pipe segment. During the exploratory excavation to locate the 12-inch pipe, the Contractor discovered a second (8 inch) pipe, not shown on the Contract Documents, that also required relocation. The cost associated with this additional work (\$89,495.38) was processed and paid though the Contract’s Contingency Allowance. WASD recommends that a 56-day time extension be added to the Contract through this Change Order for the relocation of the pipe.

SMALL BUSINESS ENTERPRISE MEASURES

On December 7, 2023, the Office of Small Business Development (SBD) reviewed Contract W-944 for compliance with an 8.46 percent Construction (SBE-Con) goal, a 1.79 percent Goods and Services (SBE-G&S) goal, Residents First Training and Employment, and Employ Miami-Dade requirements. SBD determined that Lee Construction Group, Inc. is in compliance with the SBE-Con, SBE G&S goal, the Residents First Training and Employment and the Employ Miami-Dade requirements; however, Lee Construction is not in compliance with Responsible Wages and Benefits requirements because it failed to pay \$37,011.65 to nine (9) underpaid employees of its subcontractor Luis and Luigi Concrete, LLC. See the SBD memorandum, attached hereto as Exhibit B.

Attachments



Jimmy Morales
Chief Operations Officer

MIAMI-DADE COUNTY, FLORIDA

WATER AND SEWER CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: 3

CONTRACT NO: W-944

DATE: 12/04/2023

PROJECT TITLE: Alexander Orr Jr. Water Treatment Plant Lime Kiln Electrical Switchgear Building

TO CONTRACTOR: Lee Construction Group Inc.

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. 3 increases the Contract amount by \$3,164,000.03 and the Contract duration by 1,165 days in order to: (1) address several unforeseen conditions that required construction to stop while portions of the Project that were redesigned, and (2) replenish the Contingency Account; and (3) establish several Dedicated Allowance Accounts that will be available to handle future underground conflicts and additional costs due to the extended duration and complexity of the Project.

Monetary Justification:

Contract W-944 was awarded to Lee Construction Group, Inc. (the "Contractor") to build an Electrical Switchgear Building for the Lime Kiln Plant located at the Alexander Orr Water Treatment Plant (the "Project"). The Contract was awarded by the Board of County Commissioners (the "Board") on October 2, 2018 via Resolution No. R-1022-18. The total Contract award was \$6,270,105.91, with a Contingency Allowance of \$550,451.85, and a Contract duration of 300-calendar days, with a Contingency Time Allowance of 30 days.

Time Justification:

The date of the Notice to Proceed ("NTP") was July 23, 2019, which established May 18, 2020 as the Contract's Final Completion Date.

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-----	\$6,270,105.91
COST OF CHANGES PREVIOUSLY ORDERED-----	\$550,451.85
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$6,820,557.76
COST OF CHANGES WITH THIS DOCUMENT-----	\$3,164,000.03
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$9,984,557.79
PERCENT INCREASE WITH THIS CHANGE-----	50.46%
TOTAL PERCENT INCREASE TO DATE-----	59.24%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	300 / 310 / 1,165
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	30 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	1,805

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

Lee Construction Group Inc

Hartford Casualty Insurance Company

Name**Accepted By:****Title****Date**

Luis E. Enriquez - President

Contractor

12/05/23

Charles D. Nielson

Surety

12/05/2023

Charles D. Nielson, Attorney-In-Fact

Title**Name****Date**

Approved By: **County Attorney**
(for legal sufficiency)

Sara E. Garcia, DAASO

12/16/23

Approved By: **County Mayor**Attested By: **Clerk of the Board**

Monetary Justification: (Continued)

At the beginning of the Project, the Miami-Dade Water and Sewer Department ("WASD") approved a 30-day non-compensable time extension from the Contract's Contingency Time Allowance that extended the Final Completion from May 18, 2020 to June 17, 2020 due to problems the Contractor encountered with obtaining the building permits.

In March 2021, WASD approved Change Order No. 1 for \$262,793.74 and a 310-day time extension due to electrical enhancements that were needed to improve safety and the life span of the equipment. Change Order No. 1 was ratified by the Board in May 2021 and: (1) increased the total Contract amount to \$6,532,899.65, which represented a 4.19% total cost increase, and (2) extended the Final Completion date to April 23, 2021.

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Construction progression and delivery have been further impacted by a number of events that have required WASD to take the following actions that will be approved through this Change Order:

- Payment of \$538,548.18 for the remaining costs for the additional electrical duct bank work related to the unforeseen utility conflicts; the installation of additional neutral conductor for Primary Unit Substations 1, 2 & 13; payment for Electrical Equipment Storage and Insurance Fees; and the extension of the Builders Risk Insurance policy;
- Replenishment of the Contingency Allowance in the amount of \$550,451.85 to respond to potential future unforeseen and differing site conditions, which may arise during the remainder of the work;
- Creation of Dedicated Allowance Accounts totaling \$2,075,000.00 to be used at WASD's discretion so that the Contractor may be authorized to perform services outside the original scope of work; and
- Approval of a time extension for 1,165 days, which will move the Project's Final Completion Date from April 23, 2021 to July 1, 2024 as a result of several unforeseen conditions that required construction to stop while portions of the Project were redesigned.

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

1. Remaining Cost to Furnish and Install Additional Underground Electrical Duct Bank - This portion of Change Order No. 3 includes the remaining costs for the additional work related to the unforeseen utility conflicts and the redesigned electrical duct bank route (\$367,440.00). The total approved cost for this work was \$655,098.11. To minimize Project delays/cost, keep construction moving, and ease the burden on the Small Business Contractor performing the work, the County approved Change Order No. 2 in the amount of \$287,658.11 through the authority delegated to the County Mayor or County Mayor's designee in the WASD Accelerate Ordinance, section 2-8.2.12 of the Miami-Dade County Code.
2. Installation of Additional Neutral Conductor for the Tie Circuits of Primary Unit Substations 1, 2 & 13- \$44,045.42 will be awarded for furnishing and installing 36 new neutral cables that are necessary to complete the connection of the tie circuits between Primary Unit Substations 1, 2 and 13.
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4. Extension of the Builders Risk Insurance- As the Final Completion Date for the Project has moved, WASD awarded the Contractor \$24,890.99 through the Contract's Contingency Allowance to cover the costs for renewal and extension of the Builder's Risk Insurance coverage through the projected Contract completion date of July 31, 2022. Due to continuing unforeseen underground utility conflicts and problems with soil stabilization, the Contractor has submitted a cost proposal in the amount of \$58,273.06 for the reimbursement of the cost needed to maintain the Builder's Risk Insurance from July 31, 2022 to January 1, 2024.

REPLENISHMENT OF THE CONTINGENCY

Construction is currently ongoing, and unforeseen situations may arise during construction; therefore, a replenishment of the Contract's Contingency Allowance in the amount of \$550,451.85 is needed to address any further unforeseen issues that may arise during the remainder of the work, in order to avoid further delays in the completion of the Project.

DEDICATED ALLOWANCE ACCOUNTS

In addition, this Change Order adds \$2,075,000.00 for the following dedicated allowance accounts, which will be used at the discretion of WASD and shall be utilized subject to the General Terms and Conditions in the Contract:

- Dedicated Allowance for Additional Bond & Insurance Cost- A Dedicated Allowance Account is being established in the amount of \$150,000.00 for reimbursement of the cost of additional bond and insurances due to the increase in the total Contract amount and time. Payment shall reimburse the Contractor for only actual costs as approved by WASD.
- Dedicated Allowance for Additional Excavation and existing underground utility relocation/removal- A Dedicated Allowance Account is being established in the amount of \$325,000.00 for reimbursement of the cost of all required materials, labor, and equipment to complete all required excavations, sheeting and shoring, utility relocations/removals that arise due to unforeseen underground conflicts. This Dedicated Allowance will be used, in accordance with the Contract Documents, to cover all costs for excavations; utility relocation/removal; sheeting and shoring; potholing; construction; restoration work, including asphalt; and all other work associated with required additional excavation work, and utility relocations/removal not included in other proposal items.
- Dedicated Allowance for Potential Contractor Claims- A Dedicated Allowance Account is being established in the amount of \$1,600,000.00 to potentially resolve three claims the Contractor has raised related to the 1,165-day time extension to the Project being granted through this Change Order:
 - Claim due to adjustments in labor and materials for the electrical work-\$743,100.00
 - Claim due to adjustment in labor and materials for the structural work-\$565,650.00
 - Claim due to Liquidated Indirect Cost-\$291,250.00.WASD is still evaluating the merit of the Contractor's claims.

Any portions of the Dedicated Allowance funds remaining after all authorized payments have been made will be withheld from Contract payments and will remain with WASD.

Time Justification: (Continued)

After issuance of the NTP, WASD approved a time extension of 30 calendar days through the Time Contingency Allowance due to delays experienced in obtaining the construction permit as a result of changes to the Building Code.

Subsequently, a time extension of 310 non-compensable calendar days was approved through Change Order No. 1 because the Contractor was required to make several electrical enhancements to the Project in order to improve safety and increase the life span of the equipment. Change Order No. 1 revised the Contract's Final Completion Date to April 23, 2021, which was ratified by the Board on May 18, 2021.

After Change Order No. 1 was ratified, the Project experienced four (4) incidents that impacted the Contract's critical path and resulted in the need for a 1,165-day time extension to the Contract.

1. Unforeseen Utility Conflicts – 180-Day Time Extension: The scope of this Project includes the installation of an underground electrical duct bank. Upon performing utility locates along the proposed duct bank corridor, the Contractor confirmed that the construction of the proposed corridor was not feasible due to extensive underground utility conflicts that were not identified in the historical records or Contract Documents. To account for the delay incurred while evaluating potential alternatives, the Contractor requested a 180-day time extension. WASD review the request and recommends that the 180-day time extension be added to the Contract through this Change Order.

2. Electrical Duct Bank Relocation – 570-Day Time Extension: After exhaustive field verification, the Engineer of Record ("EOR") presented a new alignment for the underground electrical duct bank. To account for the delay incurred while waiting on the redesign by the EOR and the additional time for constructing the new duct bank, the Contractor requested a 570-day time extension. WASD reviewed the request and recommends that the 570 day time extension be added to the Contract through this Change Order.

3. Unsuitable Material – 359-Day Time Extension: During excavation for the proposed building, the Contractor discovered voids within the soil, which generated uncertainty regarding the soil bearing capacity. Pre-construction site borings had not previously identified any voids and/or issues with the soil conditions. A geotechnical engineering firm was contracted to conduct site inspections and develop a soil removal plan for the unsuitable conditions and replacement of suitable fill material. The cost associated with this additional work (\$52,263.36) was processed and paid through the Contract's Contingency Allowance. The Contractor requested a 359-calendar day time extension associated with the time it took to: hire a geotechnical firm, conduct geotechnical testing, prepare, and submit a geotechnical report with findings, and implement the recommendations. WASD reviewed the request and recommends that the 359-day time extension be added to the Contract through this Change Order.

4. Relocation of 8-inch Pipe – 56-Day Time Extension: The scope of this Project includes relocating an existing 12-inch pipe segment. During the exploratory excavation to locate the 12-inch pipe, the Contractor discovered a second (8 inch) pipe, not shown on the Contract Documents, that also required relocation. The cost associated with this additional work (\$89,495.38) was processed and paid through the Contract's Contingency Allowance. WASD recommends that a 56-day time extension be added to the Contract through this Change Order for the relocation of the pipe.

Although the Contractor classified the delays associated with the four incidents identified above as Compensable Delays in accordance with Section 8(C)(1)(c) of the Contract's General Terms and Conditions, WASD has recommended that the delay be classified as non-compensable, excusable delay. The additional 1,165 calendar days will, therefore, be granted as a non-compensable time extension through the approval of this Change Order; however, the Contractor has reserved its rights to pursue its claims for additional costs and liquidated indirect costs related to the delays for this 1,165-day extension at the completion of the Project.

CONCLUSION:

Change Order No. 3 to the Contract: (1) increases the total Contract amount by \$3,164,000.03, thereby bringing the total Contract award up from \$6,820,557.76 to \$9,984,557.79, including a replenishment of the Contingency Allowance of \$550,451.85 and establishment of several Dedicated Allowance Accounts; and (2) grants a 1,165-day excusable time extension, which extends the Project's Final Completion Date from April 23, 2021 to July 1, 2024.

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.

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-11

One Hartford Plaza

Hartford, Connecticut 06155

Bond.Claims@thehartford.com

call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: NIELSON HOOVER & COMPANY

Agency Code: 21-229752

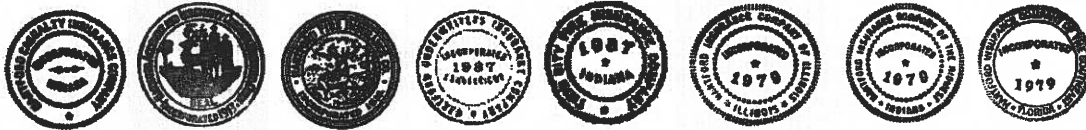
- ☒ Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut
☒ Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana
☒ Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut
☐ Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut
☐ Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana
☐ Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois
☐ Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana
☐ Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, up to the amount of Unlimited :

D. A. Belis, Tracey C. Brown-Boone, Natalie C. Demers, David R. Hoover, Stephanie McCarthy, Jarrett Merlucci, Laura D. Mosholder, John R. Neu, Charles D. Nielson, Charles J. Nielson, Joseph Penichet Nielson, Daniel Frank Oaks, Brett Rosenhaus, Kevin Wojtowicz of MIAMI LAKES, Florida

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments 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, and as authorized by a Resolution of the Board of Directors of the Companies on May 23, 2016 the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



Shelby Wiggins

Shelby Wiggins, Assistant Secretary

Joelle L. LaPierre

Joelle L. LaPierre, Assistant Vice President

STATE OF FLORIDA

COUNTY OF SEMINOLE

ss. Lake Mary

On this 20th day of May, 2021, before me personally came Joelle LaPierre, to me known, who being by me duly sworn, did depose and say: that (s)he resides in Seminole County, State of Florida; that (s)he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that (s)he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that (s)he signed his/her name thereto by like authority.

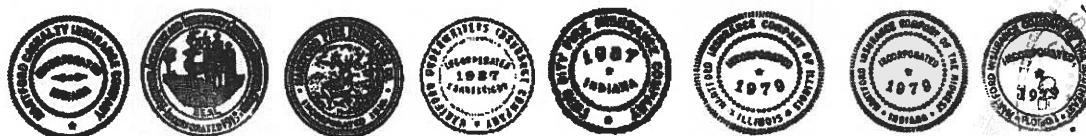


Jessica Ciccone

Jessica Ciccone
My Commission HH 122280
Expires June 20, 2025

I, the undersigned, Assistant Vice President 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 is still in full force effective as of December 5, 2023.

Signed and sealed in Lake Mary, Florida.



Keith D. Dozois

Keith D. Dozois, Assistant Vice President

MDC010



Memorandum



Date: December 7, 2023

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

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

Subject: Project No. W-944, Alexander Orr Jr. Water Treatment Plant Lime Kiln Electrical Switchgear Building

Project No. W-944 was awarded with a 8.46% Small Business Enterprise – Construction Services (SBE-Con) goal and a 1.79% Small Business Enterprise – Goods & Services (SBE-G/S) goal. Change Order No. 3 to Project No. W-944 was reviewed for application of Small Business Enterprise (SBE) measures. Change Order No. 3 increases the contract value and time. The goals will not apply to the Change Order work.

The project was reviewed for compliance with the 8.46% SBE-Con and 1.79% SBE-G/S goals, 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.

The prime, Lee Construction Group, Inc. (Lee Construction), has performed/requisitioned \$5,013,294.72 requiring the SBE-Con firm to have performed \$360,506.02 and SBE-G/S firm to have performed \$76,277.28 for compliance with Resolution R-1001-15. To date, the SBE-Con firm on the project has performed \$3,370,020.96 and the SBE-G/S firm has performed \$201,040.50 in compliance with Resolution R-1001-15.

Lee Construction is not in compliance with Responsible Wages and Benefits because it has not paid \$37,011.65 to nine (9) underpaid employees of its subcontractor Luis & Luigi Concrete, LLC. On January 6, 2023, the Office of Small Business Development (SBD) requested a transfer of \$39,843.04 (\$37,011.65 in wages plus \$2,831.39 for 7.65% employer payroll taxes) from contract proceeds to the SBD Compliance Trust Fund for distribution to the employees. Lee Construction is in compliance with 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, Assistant Director of Utility Construction, WASD
Laura Verdaguer, Legislative and Municipal Affairs Special Assistant, WASD
Margaret Moss, Chief, Small Business Initiatives, WASD
Edith Brown, Chief, Contract Compliance Division, WASD
Donna Palmer, SPA 1, WASD
SBD Section Chiefs

T:\CCDiv\WASD\W-944\Change Order

MDC011



MEMORANDUM

(Revised)

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

DATE: Febraury 6, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(3)

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 *Daniella Laine Carr* Mayor
Veto _____
Override _____

Agenda Item No. 8(O)(3)
2-6-24

RESOLUTION NO. R-106-24

RESOLUTION APPROVING CHANGE ORDER NO. 3 TO CONTRACT W-944, FOR THE CONSTRUCTION OF THE ALEXANDER ORR JR. WATER TREATMENT PLANT LIME KILN ELECTRICAL SWITCHGEAR BUILDING BETWEEN LEE CONSTRUCTION GROUP, INC AND MIAMI-DADE COUNTY, WHICH INCREASES THE TOTAL CONTRACT AMOUNT BY \$3,164,000.03, THEREBY BRINGING THE TOTAL AWARD UP FROM \$6,820,557.76 TO \$9,984,557.79, AND INCREASES THE CONTRACT DURATION BY 1,165 DAYS, EXTENDING FINAL COMPLETION DATE FROM APRIL 23, 2021, TO JULY 1, 2024; 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. 3 to Contract W-944, for the construction of the Alexander Orr Jr. Water Treatment Plant Lime Kiln Electrical Switchgear Building between Lee Construction Group, Inc. and Miami-Dade County and authorizes the County Mayor or County Mayor's designee to execute the same and exercise the provisions contained therein. Change Order No. 3, attached to the accompanying memorandum as Exhibit "A", increases the total Contract amount by \$3,164,000.03, thereby bringing the total Contract award up from \$6,820,557.76 to \$9,984,557.79, and increases the Contract duration by 1,165 non-compensable days, thereby extending the Final

Completion Date from April 23, 2021 to July 1, 2024. 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 **Oliver G. Gilbert, III**, 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	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of February, 2024. 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