

Date: June 4, 2024

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

Agenda Item No. 8(O)(2)

From: Daniella Levine Cava
Mayor



Resolution No. R-494-24

Subject: Change Order No. 1 to Contract S-891 with Poole & Kent Company of Florida

Executive Summary

This item seeks approval from the Board of County Commissioners (the “Board”) to authorize Change Order No. 1 to Contract No. S-891 (the “Contract”) between Miami-Dade County and Poole & Kent Company of Florida (the “Contractor”) for Consent Decree (CD) Project 2.19(2) CoGen Facility and 2.10(6) Electrical Improvements (the “Project”). The award was ratified by the Board on January 23, 2018, via Resolution No. R-52-18. During the construction of the Project, it was discovered that the two (2) existing methane gas storage spheres were damaged beyond repair and inoperable due to severe corrosion of the tank walls, which required both spheres to be placed out of service for safety reasons. In November 2021 a condition assessment conducted by a third-party professional engineer confirmed that the existing spheres were beyond their useful life and the best alternative was to replace them in-kind.

Change Order No. 1 increases the Contract amount by \$13,375,000.00 and the Contract duration by 2,261 calendar days to provide in-kind replacement of the two methane gas storage spheres that are essential to the production, conveyance, and storage of biogas used as a renewable fuel source and provide power and heat at the Miami-Dade Water and Sewer Department’s (“WASD”) Central District Wastewater Treatment Plant (“CDWWTP”) Cogeneration Facility (“CoGen Facility”).

RECOMMENDATION

It is recommended that the Board approve Change Order No. 1 to Contract No. S-891. The Change Order increases the Contract amount by \$13,375,000.00 and extends the Contract duration by 2,261 calendar days.

Approval of this Change Order will: (1) increase the total Contract amount by \$13,375,000.00, which increases the total Contract award from \$36,003,300.00 to \$49,378,300.00; and (2) extend the Project’s Substantial Completion Date from July 25, 2019 to October 4, 2019 and extend the Project’s Final Completion Date from October 23, 2019 to December 31, 2025.

Capital Improvement Project

Item 1– Change Order No. 1 to Contract No. S-891 is for an increase in the Contract award of \$13,375,000.00.

Scope

This Project is located in Commission District 7, which is represented by Commissioner Raquel A. Regalado.

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. 1 and to exercise all provisions contained therein.

Fiscal Impact/Funding Source

The fiscal impact of Change Order No. 1 to the County is \$13,375,000.00.

The funding for this Change Order is from the Consent Decree Project: Wastewater Treatment Plants Projects, Program #964120 page #85 in the FY2023-24 Adopted Budget and Multi-Year Capital Plan.

Funding sources are: Future WASD Revenue Bonds, WASD Revenue Bonds Sold, Wastewater Connection Charges and Wastewater Renewal Fund.

Track Record/Monitoring

WASD Deputy Director, Planning Regulatory Compliance and Capital Infrastructure, Marisela Aranguiz-Cueto, P.E., will oversee the implementation of Change Order No. 1 to Contract S-891.

Background

Contract S-891 was awarded to the Contractor on June 29, 2017 for Consent Decree (CD) 2.19(2) Co-Gen Facility and 2.01(6) Electrical Improvements at CDWWTP. The award was ratified by the Board on January 23, 2018, via Resolution No. R-52-18. The total Contract award was \$36,003,300.00, with a Contract duration of 750 calendar days for Final Completion and a Contingency Time Allowance of 75 days.

The CoGen Facility at the CDWWTP converts the biogas that is generated from the wastewater treatment process into usable biogas fuel through its gas management system, which is comprised of gas booster blowers, scrubbers, compressors, two 268,000 cubic feet of methane gas storage spheres, piping, flares, and other ancillary equipment and monitoring devices. The CoGen Facility plays an important role in WASD's efforts to reduce reliance on imported fossil fuels to increase the resiliency of treatment facilities by securing an alternate source of energy and to foster environmental sustainability.

The Project upgraded all ancillary equipment of the CoGen Facility's gas management system, replaced eight rotary sliding vane compressors, replaced the gas conditioning system, upgraded the electrical components, and constructed a new electrical building. However, when the improvements to the CoGen Facility were designed, the two methane gas storage spheres were in operation, and no upgrades were required.

During the construction of the Project, it was discovered that the two existing methane gas storage spheres were damaged beyond repair and had become inoperable due to severe corrosion of the tank walls. This required both spheres to be taken out of service for safety reasons. In November 2021, a condition assessment conducted by a third-party professional engineer confirmed that the existing spheres were beyond their useful life and that the best alternative was to replace them in-kind.

This Change Order requests \$13,375,000.00 of additional funds for the design, procurement, fabrication, furnishing, and installation of two new methane gas storage spheres and all associated appurtenances. The additional work is required to have a complete and fully functional CoGen Facility that can deliver biogas for its intended use at the CDWWTP, which was the intent of the original Project's scope.

The Notice to Proceed was dated July 20, 2017, which established: January 11, 2019 as the Contract's Milestone No. 1 Completion Date; May 11, 2019, as the Contract's Substantial Completion Date; and August 9, 2019, as the Contract's Final Completion Date.

During construction, WASD approved a 75 calendar day extension due to unforeseen conditions, which extended: Milestone No. 1 to March 27, 2019; Substantial Completion to July 25, 2019; and Final Completion to October 23, 2019. The Contractor achieved Milestone 1, which was the construction of the new CoGen Building, on March 27, 2019. Substantial Completion was achieved on October 4, 2019. Final Completion, however, is still pending because the Project had to be put on hold when it was discovered that the spheres were inoperable and sufficient methane gas was not available to test the cogeneration engines.

This Change Order approves an extension of the Contract's duration by 2,261 calendar days for the additional design, procurement, fabrication, furnishing, and installation of two new methane gas storage spheres and the continuation of the Project's start-up period.

Small Business Enterprise Measures

On March 8, 2024, the Office of Small Business Development ("SBD") reviewed Contract S-891 for compliance with a 5.06 percent Construction (SBE-Con) goal; 1.12 percent Small Business Enterprise - Goods (SBE-G) goal; Responsible Wages and Benefits and Community Workforce Program requirements. Resolution No. R-1001-15 requires County contracts with small business measures to meet at least 85 percent of the small business measures applicable to the portion of the contract work performed to date before a change order or contract amendment is considered for Board approval. The Contractor is in compliance with Resolution No. R-1001-15, Responsible Wages and Benefits and Community Workforce Program requirements. See the SBD memorandum attached hereto as Exhibit A.

A copy of Change Order No. 1 to Contract S-891 is attached hereto as Exhibit B.

Attachments



Jimmy Morales
Chief Operations Officer

Memorandum



Date: March 8, 2024

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

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

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

Subject: Project No. S-891: CD 2.19(2) CO-GEN Facility and 2.01(6) Electrical Improvements

Project No. S-891 was awarded with a 5.06% Small Business Enterprise – Construction (SBE-Con) goal and a 1.12% Small Business Enterprise – Goods (SBE-G) goal. Change Order No. 1 to Project No. S-891 was submitted to the Office of Small Business Development to review for application of Small Business Enterprise (SBE) measures. Change Order No. 1 increases the contract value and time. The goals will apply to the change order work.

Project No. S-891 was reviewed for compliance with the 5.06% SBE-Con and 1.12% SBE-G goals, Responsible Wages and Benefits and Community Workforce Program 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 of the contract work performed to date before a change order or contract amendment is considered for Board approval.

The prime, Poole & Kent Company of Florida, (Poole & Kent), has performed/requisitioned \$33,458,044 requiring the SBE-Con firms to have performed \$1,439,030 and SBE-G firm to have performed \$318,521 for compliance with Resolution R-1001-15. To date, the SBE-Con firms on the project have performed \$2,547,965 and the SBE-G firm has performed \$738,088 in compliance with Resolution R-1001-15. Poole & Kent and its subcontractors are in compliance with the Responsible Wages and Benefits and Community Workforce Program requirements. Please contact Alice Hidalgo-Gato, SBD Section Chief, at (305) 375-3153 if additional information is needed.

c: Marisela Aranguiz, Deputy Director, WASD
Juan Curiel, Chief, Assistant Director of Utility Construction, WASD
James Ferguson, Assistant Director, Planning and Regulation, WASD
Laura Verdaguer, Legislative and Municipal Affairs Special Assistant, WASD
Margaret Moss, Chief, Small Business Initiatives, WASD
Edith Brown, Chief, Contract Compliance Division, WASD
Patty Palomo, Chief, Intergovernmental Affairs, WASD
Donna Palmer, SPA1, WASD
SBD Section Chiefs

MIAMI-DADE COUNTY, FLORIDA

WATER AND SEWER

CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: 1

CONTRACT NO: S-891

DATE: 3/1/2024

PROJECT TITLE: CD 2.19(2) Co-Gen Facility and 2.01(6) Electrical Improvements
 TO CONTRACTOR: Poole & Kent Company of Florida 1781 NW North River Drive Miami - Florida - 33125

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 increases the amount of Contract No. S-891 (the "Contract") by \$13,375,000.00 and the Contract duration by 2,261-calendar days in order to provide in-kind replacement of the two methane gas storage spheres that are essential to the production, conveyance, and storage of biogas used as a renewable fuel source to provide power and heat at the Miami-Dade Water and Sewer Department's (WASD) Central District Wastewater Treatment Plant (CDWWTP) Cogeneration facility (CoGen Facility). (Continued below)

Monetary Justification:

Contract S-891 was awarded to Poole & Kent Company of Florida on June 29, 2017 for Consent Decree (CD) 2.19(2) Co-Gen Facility and 2.01(6) Electrical Improvements at the Central District Wastewater Treatment Plant (CDWWTP) (the "Project"). The award was ratified by the Board of County Commissioners (the "Board") on January 23, 2018, via Resolution No. R-52-18. The total Contract a (Continued below)

Time Justification:

The Notice to Proceed was July 20, 2017, which established January 11, 2019 as the Contract's Milestone No. 1 Completion Date; May 11, 2019 as the Contract's Substantial Completion Date; and August 9, 2019 as the Contract's Final Completion Date.

During construction, WASD approved a 75-calendar day non-compensable time extension due to unforeseen conditions, which extended Milest (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-----	\$36,003,300.00
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$36,003,300.00
COST OF CHANGES WITH THIS DOCUMENT-----	\$13,375,000.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$49,378,300.00
PERCENT INCREASE WITH THIS CHANGE-----	37%
TOTAL PERCENT INCREASE TO DATE-----	37%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	750 / 0 / 2261
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	75 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	3088

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:	Bond No. 106712935 / 82454458
<u>Poole & Kent Company of Florida</u>	<u>Brian D. MacCubbin, Executive Vice President</u>	<u>Contractor</u>	<u>Date</u> <u>March 4, 2024</u>
Surety	Name	Surety	Date
<u>Travelers Casualty and Surety Company of America & Federal Insurance Company</u>	<u>Nelly Rencovich, Attorney-in-Fact</u>	<u>March 5, 2024</u>	

Title	Name	Date
Approved By: <u>County Attorney</u> (for legal sufficiency)	<u>Sandra Gonzalez Davis</u>	<u>3-7-24</u>
Approved By: <u>County Mayor</u>	_____	_____
Attested By: <u>Clerk of the Board</u>	_____	_____

Time Justification: (Continued)

one 1 to March 27, 2019; Substantial Completion to July 25, 2019; and Final Completion to October 23, 2019. The Contractor achieved Milestone 1 (Construction of new CoGen Building) on March 27, 2019 while Substantial Completion was achieved on October 4, 2019. Subsequently, the Project was put on hold because the spheres were out of service, and it was not possible to supply enough methane gas to operate and test the cogeneration engines. Final completion is, therefore, still pending.

A total of 2,261-calendar days will be approved through this Change Order for the additional design, procurement, fabrication, furnishing, and installation of the two (2) methane gas storage spheres and the Project start-up period. In addition, because the Contract has been on hold due to the inoperable spheres. The Contract's critical path was impacted, which is also addressed through this Change Order.

Monetary Justification: (Continued)

ward was \$36,003,300.00 with a Contract duration of 750-calendar days for Final Completion and a Contingency Time Allowance of 75 days.

The CoGen Facility at the CDWWTP converts the biogas that is generated from the wastewater treatment process into usable biogas fuel through its gas management system that is comprised of gas booster blowers, scrubbers (gas treatment/conditioning), compressors, two (2) 268,000 cubic feet methane gas storage spheres, piping, flares, and other ancillary equipment and monitoring devices to produce, convey, condition, store, and compress the biogas prior to use. The CoGen Facility plays an important role in WASD's efforts to reduce reliance on imported fossil fuels, to increase the resiliency of treatment facilities by securing an alternate source of energy, and to foster environmental sustainability.

The Project upgraded all ancillary equipment of the CoGen Facility's gas management system, replaced eight (8) rotary sliding vane compressors, replaced the gas conditioning system, upgraded the electrical components, and constructed a new electrical building. However, when the improvements to the CoGen Facility were designed, the two (2) methane gas storage spheres were in operation, and no upgrades were required.

During construction of the Project, the two (2) existing methane gas storage spheres sustained damage, due to severe corrosion of the tank walls that was beyond repair, and became inoperable, requiring both spheres to be taken out of service for safety reasons. In November 2021, a condition assessment, conducted by a third-party professional engineer, confirmed that the existing spheres are beyond their useful life, and the best alternative would be to replace them in-kind.

This Change Order requests \$13,375,000.00 for the design, procurement, fabrication, furnishing, and installation of two (2) new methane gas storage spheres and all associated appurtenances. The additional work is required to have a complete and fully functional CoGen Facility that can deliver biogas for use at the CDWWTP, which was the intent of the original Project.

Conclusion:

Change Order No. 1 to the Contract: (1) increases the total Contract amount by \$13,375,000.00, which increases the total Contract award from \$36,003,300.00 to \$49,378,300.00; and (2) grants a 2,261-calendar day non-compensable time extension, Substantial Completion will be extended to October 4, 2019, and Final Completion will be extended to December 31, 2025.

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 **Nelly Renschwich** of **UNIONDALE**, **New York**, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed, and their corporate seals to be hereto affixed, this 21st day of April, 2021.



State of Connecticut

City of Hartford as.

By: 

Robert L. Raney, Senior Vice President

On this the 21st day of April, 2021, before me personally appeared Robert L. Raney, who acknowledged himself to be the Senior Vice President of each of the Companies, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of said Companies by himself as a duly authorized officer.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

My Commission expires the 30th day of June, 2026



Anna P. Nowik, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of each of the Companies, which resolutions are now in full force and effect, reading as follows:

RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

FURTHER RESOLVED, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any Power of Attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such Power of Attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kevin E. Hughes, the undersigned, Assistant Secretary of each of the Companies, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which remains in full force and effect.

Dated this 5th day of March, 2024.


Kevin E. Hughes, Assistant Secretary

To verify the authenticity of this Power of Attorney, please call us at 1-800-421-3880.
Please refer to the above-named Attorney(s)-in-Fact and the details of the bond to which this Power of Attorney is attached.

MDC007

CHUBB

Power of Attorney

Federal Insurance Company | Vigilant Insurance Company | Pacific Indemnity Company
Westchester Fire Insurance Company | ACE American Insurance Company

Know All by These Presents, that FEDERAL INSURANCE COMPANY, an Indiana corporation, VIGILANT INSURANCE COMPANY, a New York corporation, PACIFIC INDEMNITY COMPANY, a Wisconsin corporation, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY corporations of the Commonwealth of Pennsylvania, do each hereby constitute and appoint Katherine Acosta, Thomas Bean, George O. Brewster, Desiree Cardlin, Colette R. Chisholm, Dana Granice, Susan Lupski, Gerard S. Macholz, Camille Maitland, Robert T. Pearson, Nelly Renchiwich, Vincent A. Walsh, Michelle Wannamaker and Ian Williams of Uniondale, New York

each as their true and lawful Attorney-in-Fact to execute under such designation in their names and to affix their corporate seals to and deliver for and on their behalf as surety thereon or otherwise, bonds and undertakings and other writings obligatory in the nature thereof (other than bail bonds) given or executed in the course of business, and any instruments amending or altering the same, and consents to the modification or alteration of any instrument referred to in said bonds or obligations.

In Witness Whereof, said FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY have each executed and attested these presents and affixed their corporate seals on this 7th day of March, 2023.

Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

Stephen M. Haney

Stephen M. Haney, Vice President



STATE OF NEW JERSEY
County of Hunterdon

SS.

On this 7th day of March 2023 before me, a Notary Public of New Jersey, personally came Dawn M. Chloros and Stephen M. Haney, to me known to be Assistant Secretary and Vice President, respectively, of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY, the companies which executed the foregoing Power of Attorney, and the said Dawn M. Chloros and Stephen M. Haney, being by me duly sworn, severally and each for herself and himself did depose and say that they are Assistant Secretary and Vice President, respectively, of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY and know the corporate seals thereof, that the seals affixed to the foregoing Power of Attorney are such corporate seals and were thereto affixed by authority of said Companies; and that their signatures as such officers were duly affixed and subscribed by like authority.

Notarial Seal



Albert Contursi
NOTARY PUBLIC OF NEW JERSEY
No 50202369
Commission Expires August 22, 2027

Albert Contursi
Notary Public

CERTIFICATION

Resolutions adopted by the Boards of Directors of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, and PACIFIC INDEMNITY COMPANY on August 30, 2016; WESTCHESTER FIRE INSURANCE COMPANY on December 11, 2006; and ACE AMERICAN INSURANCE COMPANY on March 20, 2009:

"RESOLVED, that the following authorizations relate to the execution, for and on behalf of the Company, of bonds, undertakings, recognizances, contracts and other written commitments of the Company entered into in the ordinary course of business (each a "Written Commitment"):

- (1) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise.
- (2) Each duly appointed attorney-in-fact of the Company is hereby authorized to execute any Written Commitment for and on behalf of the Company, under the seal of the Company or otherwise, to the extent that such action is authorized by the grant of powers provided for in such person's written appointment as such attorney-in-fact.
- (3) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to appoint in writing any person the attorney-in-fact of the Company with full power and authority to execute, for and on behalf of the Company, under the seal of the Company or otherwise, such Written Commitments of the Company as may be specified in such written appointment, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (4) Each of the Chairman, the President and the Vice Presidents of the Company is hereby authorized, for and on behalf of the Company, to delegate in writing to any other officer of the Company the authority to execute, for and on behalf of the Company, under the Company's seal or otherwise, such Written Commitments of the Company as are specified in such written delegation, which specification may be by general type or class of Written Commitments or by specification of one or more particular Written Commitments.
- (5) The signature of any officer or other person executing any Written Commitment or appointment or delegation pursuant to this Resolution, and the seal of the Company, may be affixed by facsimile on such Written Commitment or written appointment or delegation.

FURTHER RESOLVED, that the foregoing Resolution shall not be deemed to be an exclusive statement of the powers and authority of officers, employees and other persons to act for and on behalf of the Company, and such Resolution shall not limit or otherwise affect the exercise of any such power or authority otherwise validly granted or vested."

I, Dawn M. Chloros, Assistant Secretary of FEDERAL INSURANCE COMPANY, VIGILANT INSURANCE COMPANY, PACIFIC INDEMNITY COMPANY, WESTCHESTER FIRE INSURANCE COMPANY and ACE AMERICAN INSURANCE COMPANY (the "Companies") do hereby certify that

- (i) the foregoing Resolutions adopted by the Board of Directors of the Companies are true, correct and in full force and effect,
- (ii) the foregoing Power of Attorney is true, correct and in full force and effect.

Given under my hand and seals of said Companies at Whitehouse Station, NJ, this March 5, 2024



Dawn M. Chloros

Dawn M. Chloros, Assistant Secretary

IN THE EVENT YOU WISH TO VERIFY THE AUTHENTICITY OF THIS BOND OR NOTIFY US OF ANY OTHER MATTER, PLEASE CONTACT US AT:
Telephone (908) 903-3493 Fax (908) 903-3656 e-mail: surety@chubb.com



MEMORANDUM

(Revised)

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

DATE: June 4, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(2)

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)(2)
6-4-24

RESOLUTION NO. _____ R-494-24

RESOLUTION APPROVING CHANGE ORDER NO. 1 TO CONSTRUCTION CONTRACT S-891 FOR CD 2.19(2) CO-GEN FACILITY AND CD 2.01(6) ELECTRICAL IMPROVEMENTS AT THE CENTRAL DISTRICT WASTEWATER TREATMENT PLANT BETWEEN POOLE & KENT COMPANY OF FLORIDA AND MIAMI-DADE COUNTY, WHICH INCREASES THE TOTAL CONTRACT AMOUNT BY \$13,375,000.00, THEREBY BRINGING THE TOTAL AWARD UP FROM \$36,003,300.00 TO \$49,378,300.00, AND INCREASES THE CONTRACT DURATION BY 2,261 DAYS; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND EXERCISE THE PROVISIONS CONTAINED THEREIN

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying County Mayor's 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. 1 to Contract S-891 for CD 2.19(2) Co-Gen Facility and CD 2.01(6) Electrical Improvements at the Central District Wastewater Treatment Plant between Poole & Kent Company of Florida and Miami-Dade County, Change Order No. 1, attached to the accompanying County Mayor's memorandum as Exhibit B, increases the total Contract amount by \$13,375,000.00, thereby bringing the total Contract award up from \$36,003,300.00 to \$49,378,300.00, and increases the Contract duration by 2,261 non-compensable days, thereby extending the Final Completion Date from October 23, 2019 to December 31, 2025. The Board also authorizes the County Mayor or County Mayor's designee to execute Change Order No. 1 and exercise the provisions contained therein. 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.

MDC010

The foregoing resolution was offered by Commissioner **Anthony Rodriguez** ,
who moved its adoption. The motion was seconded by Commissioner **Juan Carlos Bermudez**
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	absent	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 4th day of June, 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