

MEMORANDUM

Agenda Item No. 8(O)(1)

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

DATE: June 4, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving and authorizing the County Mayor to execute and exercise the provisions of Change Order No. 1 to the Construction Contract for N.W. 27 Avenue Waste Collection Transmission System Expansion and Water Distribution System Improvements D2-A-1 Phase 2, Contract No. S-964, between Miami-Dade County and David Mancini & Sons, Inc., which increases the total contract amount by \$4,235,472.12, thereby bringing the total award up from \$8,143,111.20 to \$12,378,583.32, and increases the Contract duration by 364 days; waiving the competitive bidding requirements of section 255.20 of the Florida Statutes, section 2-8.1(b)(1) of the County Code and section 5.03(D) of the County Charter by a two-thirds vote of the full Board membership as to the additional work being added to the Contract; and approving the use of funds from the Building Better Communities General Obligation Bond (GOB) Program Project No. 17 - Countywide Water and Sewer System- previously allocated through Resolution No. R-537-14 for the expansion of sewer to particular commercial and industrial corridors to also include residential areas surrounding such commercial and industrial corridors

Resolution No. R-493-24

The accompanying resolution was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Commissioner Marleine Bastien.


Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Memorandum



Date: June 4, 2024

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

From: Daniella Levine Cava
Mayor

A handwritten signature in blue ink that reads "Daniella Levine Cava".

Subject: Change Order No. 1 and Bid Waiver for additional work to Contract S-964 with David Mancini & Sons, Inc.

Executive Summary

This item seeks approval from the Board of County Commissioners (the “Board”) to authorize Change Order No. 1 to Contract No. S-964 (the “Contract”) between Miami-Dade County (the “County”) and David Mancini & Sons, Inc. (the “Contractor”) to construct the NW 27th Avenue Waste Collections Transmission System Expansion and Water Distribution System Improvement D2-A-1 Phase 2 (the “Project”). Contract S-964 was ratified by the Board on June 1, 2022, via Resolution No. R-538-22.

Change Order No. 1 increases the Contract amount by \$4,235,472.12, thereby bringing the total Contract amount to \$12,378,583.32. Change Order No. 1 will allow the Contractor to modify the pipe alignment from NW 27th Avenue to West Golf Drive, which will allow for the connection of the original commercial corridor (59 commercial properties) plus additional residential areas that will increase the total number of connected properties through this Project from 59 to 230. Change Order No. 1 also includes a time extension of 364 calendar days, which is comprised of 140 days for the expanded sewer connections and 224 days needed to address the consistency in the sequence of construction with other Florida Department of Transportation (“FDOT”) projects.

This Project is part of the County’s Connect to Protect initiative, which aims to extend sanitary sewer service to residents with septic systems in order to protect properties, health, and natural areas such as the Biscayne Bay. With this initiative as a priority for the County and the Water and Sewer Department (“WASD”), the Contractor submitted a Value Engineering Change Proposal to expedite the Project and maximize the number of septic-to-sewer conversions. The proposal consisted of changing the construction corridor from NW 27th Avenue to West Golf Drive and, in the process, enabling connection of 171 additional properties. **The proposed change in pipe alignment lowers the estimated cost of connection per parcel from approximately \$140,000 to \$53,000;** avoids construction along the congested NW 27th Avenue corridor, which will mitigate traffic impacts and interruption to businesses; provides for a shallower excavation, which will facilitate the installation and maintenance of the infrastructure; avoids areas of potential contamination; and removes additional septic tank systems, which are a source of nutrient and pathogen pollution impacting the County’s surface water resources.

While the original Project was competitively bid and the intent of the original Project, to extend sanitary sewer service to the NW 27th Avenue commercial corridor, is maintained through this Change Order No. 1, the proposed additional work included in the Change Order (installation of an additional 15,707 linear feet of gravity sewer mains, additional clean-outs, new manholes, and public laterals for 171 more properties as well as work on new streets that were not part of the original alignment), was not a part of the original scope of services for this Contract, and, therefore, a bid waiver to award the additional work to this Contractor is necessary and in the best interests of the County. Consistent with the requirements of

Section 255.20(1)(c)(10), the Contractor is an appropriately licensed contractor who is uniquely qualified to undertake the project because it is currently under contract to perform the additional work that is affiliated with the Project. Moreover, WASD's engineer for the project has provided a written recommendation that the Contractor be awarded the additional work. A copy of the engineer's recommendation is attached hereto as Exhibit B.

In addition, this item seeks approval from the Board to expand the use of the funds allocated pursuant to Resolution No. R-537-14. Resolution No. R-537-14 allocated monies from the Building Better Communities General Obligation Bond ("GOB") Program Project No. 17 - Countywide Water and Sewer System- to fund the extension of sewer infrastructure to developed commercial and industrial corridors. Through this item, the monies allocated from GOB Program Project No. 17 will also be utilized to extend sewer infrastructure to residential areas surrounding the previously identified Business Corridors.

Recommendation

It is recommended that the Board approve Change Order No. 1 to Contract No. S-964. The Change Order: (1) adds \$4,235,472.12 to the Contract, thereby increasing the Contract amount from \$8,143,111.20 to \$12,378,583.32; and (2) extends the Contract duration by 364 calendar days, which extends the Project's Substantial Completion Date from November 27, 2023 to November 25, 2024, and Final Completion Date from January 26, 2024 to January 24, 2025.

In addition, with regard to the work being added to this Contract that is beyond the original scope of services, it is recommended that the Board waive the competitive bidding requirements of Section 2-8.1(b) of the County Code, Section 5.03(D) of the County Charter, and Section 255.20(1)(c)(10), Florida Statutes, by a two-thirds vote of the full Board membership.

Further, this item seeks authorization from the Board to extend the use of GOB Program Project No. 17 funds to include sewer expansion to residential areas surrounding the previously identified Business Corridors.

Capital Improvement Project

Item 1— Change Order No. 1 to Contract No. S-964 is for an increase in the Contract award of \$4,235,472.12.

Scope

As shown on Exhibit A, which provides basic information about Change Order No. 1, the Project is in District 2, which is represented by Commissioner Marleine Bastien.

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. Further, the County Mayor or County Mayor's designee shall have the authority to use funds from the Building Better Communities General Obligation Bond (GOB) Program Project No. 17 - Countywide Water and Sewer System -- previously allocated through Resolution No. R-537-14 for the expansion of sewer to particular commercial and industrial corridors to also include residential areas surrounding such commercial and industrial corridors.

Fiscal Impact/Funding Source

The fiscal impact of Change Order No. 2 to the County is \$4,235,472.12.

This Change Order will be funded from the Project Commercial and Industrial Corridors-Extension of Sewer System (Connect to Protect), Program # 967090, page #84 in the FY2023-24 Adopted Budget and Multi-Year Capital Plan.

Funding Source: BBC GOB Financing

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-964.

Background

Contract S-964 was awarded to the Contractor on March 21, 2022 to construct the NW 27th Avenue Waste Collections Transmission System Expansion and Water Distribution System Improvement D2-A-1 Phase 2. The award was ratified by the Board on June 1, 2022, via Resolution No. R-538-22. The total Contract award was \$6,181,723.52 with a Contract duration of 592 calendar days for Final Completion and a Contingency Time Allowance of 59 days.

After award of the Project, WASD approved Amendment No. 1, which revised the Contract amount by \$1,961,387.68 to address a clerical error that had inadvertently omitted Contingent Bid Line Items Numbers 57 through 61. Amendment No. 1 increased the total Contract award to \$8,143,111.20.

Monetary Portion of the Change Order

Because the plans called for deep excavation along the NW 27th Avenue corridor, as the Contractor began mobilization and preparation for excavation, a meeting was held between WASD and the Contractor to discuss pre-construction activities, specifically dewatering plans and Maintenance of Traffic (MOT). Based on the discussion between the parties at the pre-construction meeting and the Department's goals to expedite the Project while maximizing the number of septic to sewer conversions, the Contractor submitted a Value Engineering Change Proposal (the "Proposal"). The Proposal consisted of changing the construction corridor from NW 27th Avenue to West Golf Drive. This re-routing would allow the Contractor to connect even more properties to sewer through this Project. The original design of the Project included 59 commercial properties while the Proposal will expand the Project's reach to 230 commercial and residential properties.

WASD determined that if the Proposal were adopted, although there would be an increase in the cost of this Project, the Department would see a savings of approximately \$8 million in the overall cost of Connect to Protect projects. Specifically, WASD estimates the cost to connect the 230 properties based on the original design would be approximately \$22 million; however, with the approval of this Change Order, the 230 properties will be connected at a cost of \$12.4 million through this Project.

In addition to the cost savings, the Proposal has additional benefits, including: less traffic disruption; minimal business impacts; a shallower gravity sewer system that will be easier to maintain in the future; road restoration to take place on residential streets that need attention; minimization of permitting delays with agencies such as FDOT and Miami-Dade Expressway Authority (MDX); and improved public safety because the new pipeline route will take the trunkline from a very congested road to residential streets.

Although the cost for the additional work under the Proposal is valued at \$7,756,810.12, it will result in an increase in the total Contract amount of only \$4,235,472.12. This is because several line items from the original bid, totaling \$3,521,388.00, are no longer necessary due to the re-routing of the Project. The recaptured funds will be utilized for additional work occurring through the Proposal. The additional work being added through the Proposal includes: the installation of 171 additional clean-outs, 56 new manholes, and 15,707 linear feet of gravity sewer pipes. It also includes 134,000 square feet of road restoration as well as permitting and certification of the Project.

Time Portion of the Change Order

The Notice to Proceed was issued on June 13, 2022, which established November 27, 2023 as the Contract's Substantial Completion Date, and January 26, 2024 as the Contract's Final Completion Date.

The Project experienced two (2) incidents that impacted the Contract's critical path and resulted in the need for a 364-calendar day, non-compensable time extension to the Contract:

1. **Value Engineering: 140-Day Non-Compensable Time Extension**

The Contractor requested a 140-day non-compensable time extension to conduct a Value Engineering Evaluation, which was aimed at assessing the feasibility of realigning the main sanitary sewer pipe to accommodate an expanded number of sanitary sewer lateral installations for this Project.

The Proposal to realign the construction corridor from NW 27th Avenue required several additional tasks, including conducting topographic services for the entire Project area, performing required soil borings for pavement design, updating existing utility identification for construction drawings, developing Design and Construction Specifications, and providing Design submittals to the Department.

WASD reviewed the Contractor's request and found 140 additional days justifiable and non-concurrent. Therefore, WASD recommends that a 140-day non-compensable time extension be added to the Contract through this Change Order.

2. **Conflict with FDOT Projects: 224-Day Non-Compensable Time Extension**

The original Contract included installation of the sanitary sewer pipe along NW 27th Avenue and NW 119th Street, both within the jurisdiction of FDOT Right-of-Way. In compliance with the permit regulations, all work in this area must be coordinated with FDOT. Consequently, the Contractor communicated a potential overlap between its proposed sequence of construction and two (2) ongoing FDOT Projects:

- 1) FDOT Contract No. E6N00 running along NW 27th Avenue from NW 116th Street to NW 122nd Street started construction on June 10, 2022. On August 1, 2022, FDOT advised that no work requiring permits within the FDOT project limits would be allowed until FDOT's project was completed.
- 2) FDOT Contract No. T6516, running along NW 119th Street from NW 27th Avenue to NW 7th Avenue, began construction on March 24, 2022. FDOT implemented single lane closures at NW 27th Avenue and along NW 119th Street to complete the road widening and intersection improvements. FDOT's project was in direct conflict with the Contractor's proposed sequence of construction and its ability to complete the work in or around the

intersection of NW 27th Avenue and NW 119th Street within 150 days as required by Contract.

The Contractor requested a 224-days non-compensable time extension as a result of these two FDOT-related delays. WASD found the Contractor's request for a total of 224 additional days justifiable and non-concurrent. Therefore, WASD recommends that a 224-day non-compensable time extension be added to the Contract through this Change Order.

Modification Involving GOB Funding

On November 2, 2004, pursuant to Resolution No. R-912-04, the voters of Miami-Dade County approved the issuance of general obligation bonds to construct and improve water, sewer and flood control systems. GOB Project 17, titled "Countywide Water and Sewer System Enhancements", included the construction of "main, pipeline and other enhancements to water delivery systems and to sewer collection systems to increase efficiency, capacity, quality of service, public health or fire protection."

On June 3, 2014, the Board adopted Resolution No. R-537-14, which allocated \$126 million dollars from GOB Project No. 17 to fund the extension of sewer systems to developed commercial and industrial corridors. Based on the County's initiative to reduce the serious risk of potential health and environmental impacts associated with compromised or failing septic systems, this item seeks approval from the Board to extend the use of the monies allocated pursuant to Resolution No. R-537-14 to also fund sewer expansion to residential areas surrounding the previously identified Business Corridors.

Small Business Enterprise Measures

On March 6, 2024, the Office of Small Business Development (SBD) reviewed Contract S-964 for compliance with a 14.56 percent Construction (SBE-Con) goal; an 11.20 percent Small Business Enterprise - Goods (SBE-G) goal; and the Responsible Wages and Benefits and Community Workforce goal. 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 C.

A copy of Change Order No. 1 to Contract S-964 is attached hereto as Exhibit D.

Attachments



Jimmy Morales
Chief Operations Officer

Exhibit A

Change Order No. 1 to Contract No. S-964

Item Number	Type of Solicitation	Contract No.	Project Name	Firm Awarded	Commission District	Change Order Amount	Original Contract Amount	Funding Source(s)	Est. Start Date	Contract Measures	Brief Project Description
	Contract Type	Project No.				Change Order Time	Adjusted Contract Amount		Est. End Date		
1	County Bid Process/ Construction Contract	Contract No. S-964	N.W. 27 Avenue Waste Collection Transmission System Expansion and Water Distribution System Improvement D2-A-1 Phase 2	David Mancini & Sons, Inc.	District 2 Commissioner Marleine Bastien	\$4,235,472.12/ Additional 364-calendar day time extension	Original Contract Amount \$8,143,111.20; Adjusted Contract Amount \$12,378,583.32	BBC GOB Financing, Future WASD Revenue Bonds, State Revolving Loan Water, WASD Revenue Bonds Solid Water Connection Changes; Water Replacement Fund (Project # 2000000072 WATER - SMALL DIAMETER WATER MAINS REPLACEMENT PROGRAM and Project # 967090: COMMERCIAL AND INDUSTRIAL CORRIDORS - EXTENSION OF SEWER SYSTEM - BUILDING BETTER COMMUNITIES BOND PROGRAM	Agreement Effective Date 06/13/2022 Completion Date 01/24/2025	SBE Const. - 14.56%; SBE Goods & Services - 11.20%	This project consists of furnishing all materials, labor, and equipment necessary for the installation of approximately 7,984 linear feet (LF) of a new Gravity Sewer system along with installation of 59 sewer lateral connections and 26 manhole structures along N.W. 27th Avenue, between N.W. 107th Street and 123rd Street and including the following adjoining streets: NW 123rd Street, N.W. 115th Street, N.W. 118th Street, N.W. 115th Street, and W. Golf Drive. *** This Change Order increases the total Contract Amount from \$8,143,111.20 to \$12,378,583.32; and extends the Project's Substantial Completion Date from November 27, 2023 to November 25, 2024 and Final Completion Date from January 25, 2024 to January 24, 2025. This Change Order modifies the pipe alignment from NW 27th Ave to West Golf Drive, which will allow for the connection of the original commercial corridor (59 commercial properties) plus additional residential areas, increasing the total to 230 properties. The additional work being added includes installation of 171 clean-outs, 56 manholes, and 15,707 linear feet of gravity sewer pipe, as well as road restoration, permitting, and certification of the Project.

Memorandum



Date: March 21, 2024

To: Roy Coley, Director
Water and Sewer Department

Thru: Aranguiz-Cueto, Deputy Director
Water and Sewer Department

From: Juan Curiel, Assistant Director of Utility Construction
Water and Sewer Department

Subject: Bid Waiver Recommendation for Contract S-964 Change Order No.1
with David Mancini & Sons, Inc.

After reviewing the proposed scope of work included in Change Order No. 1 of Contract S-964, specifically, the revised alignment and construction of a sanitary sewer system along West Golf Drive, which increases the number of sanitary sewer laterals from 59 to 230 and as the Miami-Dade Water and Sewer Department ("WASD") Licensed Professional Engineer overseeing the construction of this project, I recommend a waiver of the competitive selection process, pursuant to Section 255.20(1)(c) 10.d. Florida Statutes, for the following reasons:

1. The revised pipe alignment decreases the estimated cost of connection per parcel from approximately \$140,000 to \$53,000. The design of the revised piping is consistent with WASD Design and Construction Standards that are accepted by our regulatory permitting agencies.
2. Avoids construction along the congested NW 27th Avenue corridor, which will mitigate traffic impacts and interruptions to businesses.
3. Provides for shallower excavation, which will facilitate the installation and maintenance of the infrastructure.
4. Avoids areas of potential contamination and the requirements for extensive environmental permits and future compliance.
5. Removes additional septic tank systems, which are a source of nutrient and pathogen pollutants impacting the County's surface water resources.
6. The contractor, David Mancini and Sons, Inc. (DMSI) is an experienced contractor with extensive knowledge of WASD's Design and Construction Standards.

For additional information, questions, and comments, please contact me at Juan.Curiel@miamidadecounty.gov or (786) 552-8399.

Memorandum



Date: March 6, 2024

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

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

Subject: Project No. TS964, NW 27 Avenue Waste Collection Transmission System Expansion and Water Distribution System Improvements D2-A-1 Phase 2

Project No. TS964 was awarded with a 14.56% Small Business Enterprise – Construction (SBE-Con) goal and a 11.20% Small Business Enterprise – Goods (SBE-G) goal. Change Order No. 1 and Amendment No. 1 to Project No. TS964 were 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 established SBE goals will apply to the change order work. Amendment No. 1 corrects a clerical error that omitted Contingent Items valued at \$1,961,387.68 from the contract amount. The SBE goals apply to the work addressed in Amendment No. 1 as the work was part of the original bid.

Project No. TS964 was reviewed for compliance with the 14.56% SBE-Con and 11.20% 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, David Mancini and Sons, Inc. (David Mancini), has performed/requisitioned \$3,403,391 requiring the SBE-Con firms to have performed \$421,204 and SBE-G firm to have performed \$324,003 for compliance with Resolution R-1001-15. To date, the SBE-Con firms on the project have performed \$636,000 and the SBE-G firm has performed \$1,037,795 in compliance with Resolution R-1001-15. David Mancini 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

Exhibit D

Bond # 107509094

MIAMI-DADE COUNTY, FLORIDA WATER AND SEWER CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: 1 CONTRACT NO: S-964 DATE: 2/23/2024
PROJECT TITLE: NW 27th Avenue Waste Collection Transmission System Expansion and Water Distribution System Improvements D2-A-1 Phase 2
TO CONTRACTOR: DAVID MANCINI & SONS INC 2601 Wiles Rd Pompano Beach, FL 33073-3072

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 Number 1 increases the Contract amount by \$4,235,472.12 and extends the Contract duration by 364 calendar days for the following reasons: (1) the Contractor, David Mancini & Sons, Inc., submitted a value engineering change proposal for a total of \$4,235,472.12, including a 140-day non-compensable time extension, that will enable the Miami-Dade Water and Sewer Department ('WASD' or the 'Department') to expand sewer connections to an additional 171 properties by shifting the pipe route, and (2) a 224-day non-compensable time extension is needed to address sequence of construction with other Florida Department of Transportation ('FDOT') projects, which adversely impacted the Contractor's ability to commence construction activities (Continued below)

Monetary Justification:

Contract S-964 was awarded to the Contractor on March 21, 2022 to construct the NW 27th Avenue Waste Collections Transmission System Expansion and Water Distribution System Improvement D2-A-1 Phase 2 (the 'Project'). The award was ratified by the Board of County Commissioners (the 'Board') on June 1, 2022, via Resolution No. R-538-22. The total Contract award was \$6,181,723.52 with (Continued below)

Time Justification:

The Notice to Proceed was June 13, 2022, which established November 27, 2023 as the Contract's Substantial Completion Date and January 26, 2024 as the Contract's Final Completion Date

The Project experienced two (2) incidents that impacted the Contract's critical path and resulted in the need for a 364 calendar-day non-compensable time extension to the Contract

1) Value En (Continued below)

This change order includes not only all direct costs of contractor such as labor, material, job overhead, and profit markup; but also includes any costs for modifications or changes in sequence of work to be performed, delays, rescheduling, disruption, extended direct overhead or general overhead, acceleration, material or other escalation which include wages and other impact costs.

Contractor hereby waives, fully releases, discharges and acquits Miami-Dade County of any and all liability for claims, additional costs, and any requests for additional time arising out of the fulfillment of the contract and this change order from the date of the contract award to and including execution of this change order.

SUMMARY OF CONTRACT AMOUNT / TIME

ORIGINAL CONTRACT AMOUNT	\$6,181,723.52
COST OF CHANGES PREVIOUSLY ORDERED	\$1,961,387.68
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE	\$8,143,111.20
COST OF CHANGES WITH THIS DOCUMENT	\$4,235,472.12
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE	\$12,378,583.32
PERCENT INCREASE WITH THIS CHANGE	52%
TOTAL PERCENT INCREASE TO DATE	100%
TIME ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	592 / 0 / 364
CONTINGENCY TIME ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE	59 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE	1015

CERTIFYING STATEMENT.

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

Organization	Name	Accepted By:	Title	Date
DAVID MANCINI & SONS INC	FABIO ANGARITA		Contractor	2/29/2024
Surety			Surety	2/29/2024
Travelers Casualty Surety and Company of America	Angelo G Zervos, Attorney-in-Fact			
Title	Name	Date		
Approved By: <u>County Attorney</u> (for legal sufficiency)	_____	_____		
Approved By: <u>County Mayor</u>	_____	_____		
Attested By: <u>Clerk of the Board</u>	_____	_____		



MDC010

Description of work authorized: (Continued)

Time Justification: (Continued)

gineering: 140-Day Non-Compensable Time Extension

The Contractor requested a 140-day non-compensable time extension to conduct a Value Engineering evaluation, which was aimed at assessing the feasibility of realigning the main sanitary sewer pipe to accommodate an expanded number of sanitary sewer lateral installations for this Project.

The Proposal to realign the construction corridor from NW 27th Avenue has required several additional tasks, including conducting topographic services for the entire Project area, performing required soil borings for pavement design, updating existing utility identification for construction drawings, developing Design and Construction Specifications, and providing Design submittals to the Department.

WASD reviewed the Contractor's request and found 140 additional days justifiable and non-concurrent, therefore, WASD recommends that 140-day non-compensable time extension be added to the Contract through this change order.

2) Conflict with FDOT Projects: 224-Day Non-Compensable Time Extension

The original Contract included installation of the sanitary sewer pipe along NW 27th Avenue and NW 119th Street, both within the jurisdiction of FDOT Right-of-Way. In compliance with the permit regulations, all work in this area was to be conducted as directed by FDOT. Consequently, the Contractor communicated a potential overlap between its proposed sequence of construction and two (2) ongoing FDOT Projects:

1) FDOT Contract No. E6N00 running along NW 27th Avenue from NW 116th Street to NW 22nd Street started construction on June 10, 2022. On August 1, 2022, FDOT advised that no permit work within the FDOT project limits would be allowed until FDOT's project was completed.

2) FDOT Contract No. T6516, running along NW 119 Street from NW 27 Avenue to NW 7th Avenue, began construction on March 24, 2022. FDOT implemented single lane closures at NW 27 Avenue and along NW 119 Street to complete the road widening and intersection improvements. FDOT's project was in direct conflict with the Contractor's proposed sequence of construction and its ability to complete the work in or around the intersection of NW 27th Avenue and NW 119th Street within 150 days as required by Contract.

The Contractor requested a 224-days non-compensable time extension as a result of these two FDOT-related delays. WASD found the Contractor's request for a total of 224 additional days justifiable and non-concurrent. Therefore, WASD recommends that 224-day non-compensable time extension be added to the Contract through this change order.

Monetary Justification: (Continued)

a Contract duration of 592-calendar days for Final Completion and a Contingency Time Allowance of 59 days.

At the beginning of the Project, WASD approved Amendment No. 1, which increased the Contract amount by \$1,961,387.68 due to a clerical error that had inadvertently omitted Contingent Bid Items Numbers 57 through 61. Amendment No. 1 increased the total Contract award to \$8,143,111.20.

As the Contractor began mobilization and preparation for excavation, a meeting was held with WASD to discuss pre-construction activities, specifically dewatering plans, and Maintenance of Traffic ("MOT") along NW 27th Avenue because the plans called for deep excavation along this corridor. Based on the discussion between the parties at the pre-construction meeting and the Department's goals to expedite the Project and maximize the number of septic to sewer conversions, the Contractor submitted a Value Engineering Change Proposal Pursuant to Provision I Value Engineering Change Proposals of the General Terms and Conditions (the "Proposal"). The Proposal consisted of changing the construction corridor from NW 27th Avenue to West Golf Drive, which re-routing will allow the Contractor to connect even more properties to sewer through the Project. The original design of the Project included 59 commercial properties while the Proposal will expand the Project's reach to 230 commercial and residential properties.

WASD determined that, if the Proposal were adopted, although there will be an increase in the cost of this Project, the Department will see a savings of approximately \$8 million in the overall cost of Connect to Protect projects. Specifically, WASD estimates the cost to connect the 230 properties based on the original design would be approximately \$22 million; however, with the approval of this Change Order, the 230 properties will be connected at a cost of \$12.4 million.

In addition to the cost savings, the Proposal has additional benefits, including less traffic disruption, minimal business impacts, a shallower gravity sewer system that will be easier to maintain in the future, road restoration to take place on residential streets that need attention, minimization of permitting delays with agencies such as FDOT and Miami-Dade Expressway Authority ("MDX"), and improved public safety because the new pipeline route will take the trunkline from a very congested road to residential streets.

Although the cost for the additional work under the Proposal is valued at \$7,756,810.12, it will only result in an increase in the total Contract amount of \$4,235,472.12 because several line items from the original bid that are no longer necessary due to the re-routing of the Project, which line items total \$3,521,388.00, will be reallocated to the additional work occurring through the Proposal. The additional work being added through the Proposal includes: the installation of 171 additional clean-outs, 66 new manholes, and 15,707 linear feet of gravity sewer pipes. It also includes 134,000 square feet of road restoration as well as permitting and certification of the Project.

Conclusion

Change Order No. 1 to the Contract: (1) increases the total Contract Amount by \$4,235,472.12, which, increasing the total Contract award from \$8,143,111.20 to \$12,378,583.32, and (2) grants a 364-day time extension, which extends the Project's Substantial Completion Date from November 27, 2023 to November 25, 2024 and the Final Completion Date from January 26, 2024 to January 24, 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 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 **ANGELO G ZERVOS** of COCONUT CREEK, Florida, their true and lawful Attorney(s)-in-Fact to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

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



State of Connecticut

By:

Robert L. Raney, Senior Vice President

City of Hartford ss.

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 Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

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

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

Dated this 29th day of February, 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.

MDC012



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)(1)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☒ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ☒, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(O)(1)
6-4-24

RESOLUTION NO. _____ R-493-24

RESOLUTION APPROVING AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE AND EXERCISE THE PROVISIONS OF CHANGE ORDER NO. 1 TO THE CONSTRUCTION CONTRACT FOR N.W. 27 AVENUE WASTE COLLECTION TRANSMISSION SYSTEM EXPANSION AND WATER DISTRIBUTION SYSTEM IMPROVEMENTS D2-A-1 PHASE 2, CONTRACT NO. S-964, BETWEEN MIAMI-DADE COUNTY AND DAVID MANCINI & SONS, INC., WHICH INCREASES THE TOTAL CONTRACT AMOUNT BY \$4,235,472.12, THEREBY BRINGING THE TOTAL AWARD UP FROM \$8,143,111.20 TO \$12,378,583.32, AND INCREASES THE CONTRACT DURATION BY 364 DAYS; WAIVING THE COMPETITIVE BIDDING REQUIREMENTS OF SECTION 255.20 OF THE FLORIDA STATUTES, SECTION 2-8.1(B)(1) OF THE COUNTY CODE AND SECTION 5.03(D) OF THE COUNTY CHARTER BY A TWO-THIRDS VOTE OF THE FULL BOARD MEMBERSHIP AS TO THE ADDITIONAL WORK BEING ADDED TO THE CONTRACT; AND APPROVING THE USE OF FUNDS FROM THE BUILDING BETTER COMMUNITIES GENERAL OBLIGATION BOND (GOB) PROGRAM PROJECT NO. 17 - COUNTYWIDE WATER AND SEWER SYSTEM- PREVIOUSLY ALLOCATED THROUGH RESOLUTION NO. R-537-14 FOR THE EXPANSION OF SEWER TO PARTICULAR COMMERCIAL AND INDUSTRIAL CORRIDORS TO ALSO INCLUDE RESIDENTIAL AREAS SURROUNDING SUCH COMMERCIAL AND INDUSTRIAL CORRIDORS

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:

Section 1. The foregoing recital is incorporated in this resolution and is approved.

Section 2. This Board approves and authorizes the County Mayor or County Mayor's designee to execute and exercise the provisions of Change Order No. 1 to Construction Contract S-964 between David Mancini & Sons, Inc. and Miami-Dade County for the N.W. 27 Avenue Waste Collection Transmission System Expansion and Water Distribution System Improvements D2-A-1 Phase 2, in substantially the form attached to the accompanying County Mayor's memorandum as Exhibit D. Change Order No. 1: (a) increases the total Contract amount by \$4,235,472.12, thereby bringing the total Contract award up from \$8,143,111.20 to \$12,378,583.32, and (b) increases the Contract duration by 364 days, thereby extending the Final Completion Date from January 26, 2024 to January 24, 2025.

Section 3. This Board finds, with regard to the additional work being added to this Contract as described in the accompanying County Mayor's memorandum, that it in the best interest of the County to waive the competitive bidding requirements of section 255.20 of the Florida Statutes, section 2-8.1(b)(1) of the County Code, and section 5.03(D) of the County Charter by a two-thirds vote of the full Board membership. This Contractor is licensed and uniquely qualified to undertake the additional scope of services, and the additional work is affiliated with the original scope of services.

Section 4. The Board authorizes the County Mayor or County Mayor's designee to use funds from the Building Better Communities General Obligation Bond (GOB) Program Project No. 17 - Countywide Water and Sewer System -- previously allocated through Resolution No. R-537-14 for the expansion of sewer to particular commercial and industrial corridors to also include residential areas surrounding such commercial and industrial corridors.

The foregoing resolution was offered by Commissioner **Juan Carlos Bermudez** ,
 who moved its adoption. The motion was seconded by Commissioner **Marleine Bastien**
 and upon being put to a vote, the vote was as follows:

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