

Date: June 18, 2024

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

From: Daniella Levine Cava
Mayor



Agenda Item No. 8(O)(2)

Resolution No. R-547-24

Subject: Change Order No. 1 to Contract No. S-981 for the HVAC Improvements – Package “C” Effluent Pump Station Back Up Chiller Addition, North Filter Building Substation 23 and 24, and South Filter Building Substation 27 and 28F at the South District Wastewater Treatment Plant (SDWWTP)

EXECUTIVE SUMMARY

The item seeks ratification of the action of the County Mayor or County Mayor’s designee approving Change Order No. 1 to Contract No. S-981 (the “Contract”) between Miami-Dade County and Poole & Kent Company of Florida (the “Contractor”) for the HVAC Improvements – Package “C” Effluent Pump Station Back Up Chiller Addition, North Filter Building Substation 23 and 24, and South Filter Building Substation 27 and 28F at the South District Wastewater Treatment Plant (“SDWWTP”) (the “Project”). Change Order No. 1 grants an 81-day non-compensable time extension to the Contract, which extends the Final Completion Date from February 6, 2024 to April 27, 2024.

RECOMMENDATION

It is recommended that the Board of County Commissioners (the “Board”) ratify the action of the County Mayor or County Mayor’s designee as authorized under Section 2-8.2.12 of the Miami-Dade County Code related to the Miami-Dade Water and Sewer Department’s Consent Decree and Capital Improvement Programs Acceleration Ordinance (WASD’s Acceleration Ordinance) for the funded project identified below and on Exhibit A.

CAPITAL IMPROVEMENT PROJECT

Item 1– Change Order No. 1 to Contract No. S-981 is for an 81-day non-compensable time extension. A copy of Change Order No. 1 to Contract No. S-981 is attached hereto as Exhibit B.

DELEGATION AUTHORITY

The Contract was awarded pursuant to Section 2-8.2.12 of the Miami-Dade County Code related to WASD’s Acceleration Ordinance, which delegates authority to the County Mayor or County Mayor’s designee to execute change orders that do not exceed ten percent of the base contract amount, subject to ratification by the Board.

SCOPE

As shown on Exhibit A, which provides basic information about Change Order No. 1, the Project is located in District 8, which is represented by Commissioner Danielle Cohen Higgins.

FISCAL IMPACT/FUNDING SOURCE

There is no fiscal impact to the County. Change Order No. 1 provides for an 81-day non-compensable time extension to the Contract; therefore, there is no net increase of the Contract amount.

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-981.

BACKGROUND

Contract S-981 was awarded to the Contractor on September 30, 2022. The award was ratified by the Board on February 21, 2023, via Resolution No. R-134-23. The total Contract award was \$6,118,000.00, with a Contingency Allowance of \$532,000.00, and a Contract duration of 365-calendar days for Final Completion, with a Contingency Time Allowance of 37 days.

Notice to Proceed was issued on February 6, 2023, which established February 6, 2024 as the Contract's Final Completion Date.

The Contract Documents require the Contractor to furnish and install cooling tower equipment for the existing North and South Filter buildings at the SDWWTP. The new equipment will replace existing equipment currently experiencing failures and corrosion deterioration. The Contractor submitted shop drawings for the proposed cooling towers from Evapco, one of the three approved manufacturers as per the Specifications in the Contract; however, after reviewing the Contractor's submission, the Engineer of Record ("EOR") rejected the submittal because the proposed equipment was not the type that utilizes horizontal crossflow, which the Department had decided was preferable.

The Contractor informed the Department that the horizontal crossflow type cooling towers can only be procured from Marley, which was confirmed, after the fact, to be the only approved manufacturer capable of fabricating the specified equipment. The Contractor submitted a cost proposal in the amount of \$107,874.00 to cover the cost difference between the Marley and Evapco cooling towers. The \$107,874.00 was paid to the Contractor through the Contract's Contingency Allowance Account.

This Change Order will grant an 81-day non-compensable time extension; however, the Contractor has submitted a reservation of rights to pursue liquidated indirect costs related to the 81-day time extension.

SMALL BUSINESS ENTERPRISE MEASURES

On February 15, 2024, the Office of Small Business Development ("SBD") reviewed Contract S-981 for compliance with a 15.29 percent Construction (SBE-Con) goal and a 2.56 percent Goods (SBE-G) goal. Resolution No. R-1001-5 requires County contracts with small business measures to meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for Board approval. Resolution No. R-525-17 exempted change orders or amendments for non-compensatory time extensions from this requirement. Change Order No. 1 is for a time extension only, as such Resolution No. R-1001-15 does not apply. Poole & Kent Company of Florida is in compliance with the Responsible Wages and Benefits, Resident's First Training and Employment Program and Employ Miami Dade Program. See the SBD memorandum attached hereto as Exhibit C.

Attachments



Jimmy Morales
Chief Operating Officer

Exhibit A

Ratification of Amendments/Change Orders Authorized by the WASD Accelerate Ordinance

No.	Type of Solicit.	Contract No.	Project Name	Firm Awarded	Comm. District	Change Order Amount	Original Contract Amount	Funding Source(s)	Est. Start Date	Contract Measures	Brief Project Description
	Contract Type	Project No.				Change Order Time	Adjusted Contract Amount		Est. End Date		Change Order Description
	County Bid Process; Construction Contract	Con-tract No. S-981	HVAC Improvements - Package "C" Effluent Pump Station Back Up Chiller Addition, North Filter Building Substation 23 and 24, and South Filter Building Substation 27 and 28F	Poole & Kent Company of Florida	District 8 (Daniel- le Cohen Higgins)	(\$0) 81-day time extension	Original Contract Amount \$6,118,000.00; Adjusted Contract Amount \$6,118,000.00	Waste- water Renewal Fund; Waste- water Special Construc- tion Fund	Notice to Proceed Start Date: 02/06/2023 Completion Date: 04/27/2024	SBE Const. - 15.29%; SBE Goods & Services - 2.56% ***	This project is for the replacement of existing electrical equipment in the transformer rooms and existing HVAC systems at the North Filter Building Substation 23 and 24 and South Filter Building Substation 27 and 28F at the South District Wastewater Treatment Plant, located at 23300 SE 88 Avenue Miami, Florida.
											This Change Order grants an 81-day non-compensable time extension to the Contract and moves the Final Completion Date from February 6, 2023 to April 27, 2024.

MIAMI-DADE COUNTY, FLORIDA

WATER AND SEWER

CHANGE ORDER TO ORIGINAL CONTRACT

Exhibit B



CHANGE ORDER NO: 1

CONTRACT NO: S-981

DATE: 3/8/2024

PROJECT TITLE: HVAC Improvements – Package "C" Effluent Pump Station Back Up Chiller Addition, North Filter Building Substation 23 and 24, and South Filter Building Substation 27 and 28F

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 grants an 81-day non-compensable time extension to the Contract due to unexpected lead times stemming from a manufacturer substitution for the cooling towers.

Monetary Justification:

There are no monies being awarded through this Change Order.

Time Justification:

Contract S-981 was awarded to Poole & Kent Company of Florida (the "Contractor") on September 30, 2022 for the construction of heating, ventilation and air conditioning ("HVAC") improvements at the South District Wastewater Treatment Plant ("SDWWTP") (the "Contract"). The award was ratified by the Board of County Commissioners (the "Board") on February 21, 2023, via Resolution No. (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-----	\$6,118,000.00
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$6,118,000.00
COST OF CHANGES WITH THIS DOCUMENT-----	\$0.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$6,118,000.00
PERCENT INCREASE WITH THIS CHANGE-----	0%
TOTAL PERCENT INCREASE TO DATE-----	0%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	365 / 0 / 81
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	37 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----	483

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.

Bond No. 107693044 / K41619600

Accepted By:

Organization

Name

Title

Date

Poole & Kent Company of Florida

Kevin Smith, Vice President

Contractor

March 19, 2024

Surety

Travelers Casualty and Surety Company of America & Federal Insurance Company

Nelly Renchiwich, Attorney-in-Fact

Surety

March 13, 2024

Title

Name

Date

Approved By: County Attorney
(for legal sufficiency)

Sarah Eganiz-Davis

3/22/24

Approved By: County Mayor

Ry. Lopez

3/22/24

Attested By: Clerk of the Board



Anthony Lavadie - e302751

04/22/2024

Time Justification: (Continued)

R-134-23. The total Contract award was \$6,118,000.00, with a Contingency Allowance of \$532,000.00, and a Contract duration of 365-calendar days for Final Completion, with a Contingency Time Allowance of 37 days.

The Notice to Proceed was issued on February 6, 2023, which established February 6, 2024, as the Contract's Final Completion Date.

The Contract Documents require the Contractor to furnish and install cooling tower equipment for the existing North and South Filter buildings at the SDWWTP. The new equipment will replace existing equipment currently experiencing failures and corrosion deterioration.

The Contractor submitted shop drawings for the proposed cooling towers from Evapco, one of the three approved manufacturers as per the Specifications in the Contract. However, after reviewing the Contractor's submission, the Engineer of Record ("EOR") rejected the submittal because the proposed equipment was not the type that utilizes horizontal crossflow, which the Department had decided it preferred for a number of reasons.

The Contractor informed the Department that the horizontal crossflow type cooling towers can only be procured from Marley, which was confirmed, after the fact, to be the only approved manufacturer capable of fabricating the specified equipment. The Contractor submitted a cost proposal in the amount of \$107,874.00 to cover the cost difference between the Marley and Evapco cooling towers. The \$107,874.00 was paid to the Contractor through the Contract's Contingency Allowance Account.

This Change Order will grant an 81-day non-compensable time extension; however, the Contractor has submitted a reservation of rights to pursue liquidated indirect costs related to the 81-day time extension.

Conclusion:

Change Order No. 1 to the Contract grants an 81-day non-compensable time extension to the Contract, thereby moving the Final Completion date from February 6, 2024, to April 27, 2024.

This Change Order is revocable if not ratified by the Board of County Commissioners. In the event the Board of County Commissioners does not ratify this Change Order, the Contractor is not entitled to lost profits or other consequential or indirect damages; however, the Contractor is eligible for payment for any work done prior to failure of ratification.

Time Justification Declaration:

A time extension is provided for additional work performed outside the scope of the original Contract that affects the critical path schedule of the contracted work or previously approved changes. Should additional work be required which does not affect the critical path schedule, no time extension will be granted. Should one item of additional work run concurrent with another item of additional work, only time not duplicated can be provided.



Travelers Casualty and Surety Company of America
Travelers Casualty and Surety Company
St. Paul Fire and Marine Insurance Company

POWER OF ATTORNEY

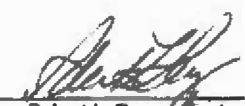
KNOW ALL MEN BY THESE PRESENTS: That Travelers Casualty and Surety Company of America, Travelers Casualty and Surety Company, and St. Paul Fire and Marine Insurance Company are corporations duly organized under the laws of the State of Connecticut (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint **Nelly Ranchiwich** 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 ss.

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

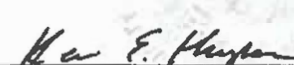
FURTHER RESOLVED, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any 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 **13th** 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.

MDC006

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 Renchlich, 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 13, 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

POOLE & KENT COMPANY OF FLORIDA

P.O. BOX 420556 • MIAMI, FLORIDA 33242-0556
1781 N.W. NORTH RIVER DRIVE • MIAMI, FLORIDA 33125
TELEPHONE: (305) 325-1930
FAX: (305) 324-0522

LETTER OF TRANSMITTAL

DATE March 20, 2024	JOB/BID NUMBER 22605
REF:	
South District WWTP HVAC Improvements - Package "C"	
Effluent Pump Station Back-Up Chiller Addition, North	
Filter Building Substation 23/24. South Filter Building	
Substation 27/28F, Contract No. S-981	

TO: **Miami-Dade Water and Sewer Department**
3071 S.W. 38th Avenue
Miami, FL 33146
ATTN: **Edith Brown**
Chief, Contract Compliance & Monitoring Division

WE TRANSMIT ☒ Attached ☐ Hand carried ☐ Separate cover via _____
☐ Submittal data ☐ Shop Drawings ☒ Change Order - Signed ☐ Plans ☐ Specifications
☐ Copy of letter ☐ Sample ☒ UPS Ground

QTY	TYPE	DOCUMENT DESCRIPTION
1	Original	S-981 Change Order No. 1 - Signed

THESE ARE TRANSMITTED as checked below:

☐ For approval ☐ Approved as submitted ☐ Resubmit _____ Copies for approval
☐ For your use & information ☐ Approved as noted ☐ Submit _____ Copies for distribution
☒ As requested ☐ Amend and Resubmit ☐ Return _____ Copies for prints
☐ For review and comment ☐ Sign and return
☐ For BIDS DUE _____ ☐ PRINTS RETURN AFTER LOAN TO US

X
ACKNOWLEDGEMENT OF THIS TRANSMITTAL REQUESTED.

REMARKS:

Please forward a fully executed change order to my attention when available.

Distribution: File (1)

Poole & Kent Company of Florida

By Wendy Campbell
Wendy Campbell, Vice President of Project Administration & Marketing



MDC008

EXHIBIT C

Memorandum



Date: February 15, 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 blue ink, appearing to be "GTH", written over the "From:" line.

Subject: TS981: HVAC Improvement - Package "C" Effluent Pump Station Back Up Chiller Addition, North Filter Building Substation 23 and 24, and South Filter Building Substation 27 and 28F

Amendment Number One to Project No. TS981 was submitted to the Office of Small Business Development to review for application of Small Business Enterprise (SBE) measures. Amendment Number One is for time extension only. The contract was awarded with a 15.29% SBE – Construction (SBE-Con) and a 2.56% SBE – Goods (SBE-G) goal which will remain the same.

Resolution No. R-1001-15 requires County contracts with small business measures meet at least 85 percent of the small business goals applicable to the portion(s) of the contract work performed to date before a change order or contract amendment is considered for Board approval. Resolution R-525-17 exempted change orders or amendments for non-compensatory time extensions from this requirement. Amendment One is for a time extension only, as such R-1001-15 does not apply.

The prime, Poole & Kent Company of Florida, has been paid \$4,375,913.61. The SBE-Con firms have been paid \$1,159,469.79 equal to 26.50%, the SBE-G firms have been paid \$171,796.92 equal to 3.93% of the amount paid to date. Poole & Kent and its subcontractors are in compliance with the Responsible Wages and Benefits, Residents First Training and Employment Program and Employ Miami-Dade Program. Please contact Alice Hidalgo-Gato, SBD Section Chief, at (305) 375-3153 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
Nelson Perez, Assistant Director, Utility Engineering, WASD
Laura Verdager, 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
Mike Ramos, Manager A&E Professional Services, WASD
Donna Palmer, SPA1, WASD
Alice Hidalgo-Gato, SBD Section Chief
SBD Section Chiefs



MEMORANDUM

(Revised)

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

DATE: June 18, 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)
6-18-24

RESOLUTION NO. R-547-24

RESOLUTION RATIFYING ACTION BY THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE RELATED TO MIAMI-DADE WATER AND SEWER DEPARTMENT'S CONSENT DECREE AND CAPITAL IMPROVEMENT PROGRAMS ACCELERATION ORDINANCE PURSUANT TO SECTION 2-8.2.12 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, SPECIFICALLY APPROVAL OF CHANGE ORDER NO. 1 FOR AN 81-DAY NON-COMPENSABLE TIME EXTENSION TO CONTRACT S-981 BETWEEN MIAMI-DADE COUNTY AND POOLE & KENT COMPANY OF FLORIDA FOR THE HVAC IMPROVEMENTS – PACKAGE "C" EFFLUENT PUMP STATION BACK UP CHILLER ADDITION, NORTH FILTER BUILDING SUBSTATION 23 AND 24, AND SOUTH FILTER BUILDING SUBSTATION 27 AND 28F AT THE SOUTH DISTRICT WASTEWATER TREATMENT PLAN

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 ratifies the action of the County Mayor or County Mayor's designee, as authorized by section 2-8.2.12 of the Code of Miami-Dade County, specifically, approval of Change Order No. 1 for an 81-day non-compensable time extension to Contract S-981 between Miami-Dade County and Poole & Kent Company of Florida for the HVAC Improvements – Package "C" Effluent Pump Station Back Up Chiller Addition, North Filter Building Substation 23 and 24, and South Filter Building Substation 27 and 28F at the South District Wastewater Treatment Plant.. A copy of Change Order No. 1 is attached to the accompanying memorandum as Exhibit B.

The foregoing resolution was offered by Commissioner **Anthony Rodriguez** ,
who moved its adoption. The motion was seconded by Commissioner **Eileen Higgins**
and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	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 18th 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