

MEMORANDUM

Agenda Item No. 14(A)(3)

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

DATE: July 16, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution approving
cancellation of the Design-Build
Services Contract for the
Roadway Improvements to NW
107 Avenue from NW 138 Street
to NW 166 Street Project
(Project No. DB19-DTPW-02,
Contract No. 20190294)

Resolution No. R-704-24

The accompanying resolution was prepared by the Transportation and Public Works Department and placed on the agenda at the request of Prime Sponsor Commissioner Juan Carlos Bermudez.


Geri Bonzon-Keenan
County Attorney

GBK/ks

Memorandum



Date: July 16, 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: Request to Cancel the Design-Build Services Contract for the Roadway Improvements to NW 107 Avenue from NW 138 Street to NW 166 Street Project (Project No. DB19-DTPW-02, Contract No. 20190294)

Executive Summary

The Department of Transportation and Public Works (DTPW) is requesting the cancellation of the contract approved through Board of County Commissioners (Board) Resolution No. R-926-21 for design-build services for roadway improvements to NW 107 Avenue from NW 138 Street to NW 166 Street (Project No. DB19-DTPW-02, Contract No. 20190294) to Ric-Man International, Inc. (Design-Build Team) in the amount of \$23,325,914.55.

As a result of significant market price increases, additional work required by permit conditions, and delays to the start of construction caused by the need for major utility work in the area, DTPW is recommending the project's cancellation pursuant to the contract's termination for convenience provision.

The Design-Build Team delivered the final design plans in January 2024, secured all required permits as well as completed the construction of a two-lane temporary roadway. This work amounts to \$4,522,209.63, with no additional fiscal impact associated with this cancellation. This decision is a mutual agreement between the contractor and the County. With approval of this item, DTPW will advance to procuring the construction phase of the project.

Recommendation

It is recommended that the Board approve the cancellation of the contract for design-build services for roadway improvements to NW 107 Avenue from NW 138 Street to NW 166 Street (Project No. DB19-DTPW-02, Contract No. 20190294) to Ric-Man International, Inc. in the amount of \$23,325,914.55. The recommendation for cancellation of the contract has been mutually agreed to by the County and the awarded firm.

Scope

The scope was for design-build services for roadway improvements to NW 107 Avenue from NW 138 Street to NW 166 Street.

Delegation of Authority

In accordance with Section 2-8.3 of the Miami-Dade County (County) Code, related to identifying delegation of Board authority, there are no authorities beyond that specified in the resolution which includes authority for the County Mayor or County Mayor's designee to cancel the contract award.

Fiscal Impact/Funding Source

DTPW has received the complete design plans with all permit documents from the design-build team and will proceed with the solicitation of construction services of the project to be presented to the Board under a separate item. The design-build team was compensated for the design work, construction of a temporary roadway, and other related items in the amount of \$4,522,209.63 from Fund CI003, Account 5991220000, Project Code CTP000003000926, Activity Code 005001. There is no additional fiscal impact associated with this cancellation. It is worth noting that based on initial discussions with the design-builder, the cost to carry the project forward with additional scope would have cost the County approximately \$10,000,000.

Track Record/Monitor

Alex Barrios, DTPW Assistant Director, was the track monitor for this project.

Background

The solicitation process for the project commenced in December 2019, and a Notice to Proceed was issued on November 2, 2020. The scope of work includes all design and construction services necessary to perform roadway construction of a roadway with a typical section that consists of a five (5) lane roadway facility with intermittent left turn lanes, continuous stormwater system, sidewalks, curb and gutters, pavement markings, signage, signalization, lighting, and landscaping on NW 107 Avenue from NW 138 Street to NW 166 Street. The work also includes all design and construction services necessary to construct a canal along the west side of the NW 107 Avenue project limits with culvert crossings and provide a temporary road with two lanes of continuous uninterrupted access suitable for wheelbase 40 vehicles from NW 138 Street to NW 166 Street. The awarded dollar amount under the contract was \$23,325,914.55. During the design phase of the project, it was discovered that a major power utility infrastructure project programmed for the area would be in direct conflict with the proposed work. Additionally, utility relocations would need to be performed by adjacent property owners and municipalities, including City of Hialeah maintained water and sewer lines, resulting in permit requirements and accommodations for third-party relocation. This led to delays and an increased scope of work to be performed by the County's contractor. Finally, due to supply chain issues, the contractor submitted a claim to account for a significant increase in the cost of materials. As a result, the contractor was instructed to complete the design and was compensated for the work performed, including the building of a two-lane temporary roadway from NW 138 Street to NW 166 Street. DTPW is preparing a new bid package, securing all permits, and will be advertising a new construction contract to build the needed improvements. DTPW expects to advertise the new contract within 180 days of the approval of this cancellation.



Jimmy Morales
Chief Operating Officer



Transportation and Public Works
Office of the Director
Overtown Transit Village
701 N.W. 1st Court • 17th Floor
Miami, Florida 33136

December 20, 2022


Andres Diaz
RECIEVED

Mr. Andres Diaz, P.E., CGC, General Manager
Ric-Man International, Inc.
Pompano Beach, Florida 33069

Re: Notice of Termination of Miami Dade County Contract for convenience for Project 20190294, DB19-DTPW-02 NW, 107th Ave from NW 138th ST to NW 166th ST.

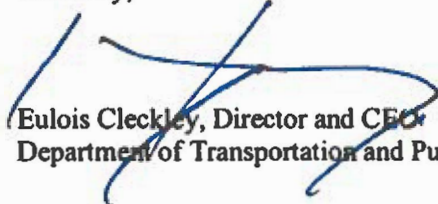
Mr. Diaz,

After reviewing the proposed escalation cost submitted by Ric-Man International Inc., the Department of Transportation and Public Works (DTPW) is not approving price increases or escalations as requested due to the supply chain difficulties resulting from Covid-19 Pandemic. Furthermore, staff has determined that it is in the best interest of the County to terminate this agreement for convenience as stipulated under Article 14.02 of the Executed Agreement. The Termination Notice will be effective once the design and permitting is complete and all related documents are turned over to the County. Please provide a schedule for design completion within 5 days of receipt of the letter. Non-design related work is to immediately cease upon receipt of this letter.

Once the design is complete, please submit all completed items of work, at the contract price, for payment. Such payment will constitute full and complete compensation for work performed up to the receipt of this notice of termination. In order to close out the project, Ric-Man International, Inc. shall submit the final invoice to Miami-Dade County. DTPW will not consider any claim for loss of anticipated profits or overhead of any kind. Furthermore, no payment of any kind or amount will be made for items of work not started.

As per Article 7, Responsibilities of the Design-Builder, Section 7.01 B of the Executed Agreement, please provide all design, engineering, and construction services anticipated to include, but not limited to the following: Coordination with utilities, municipalities, and roadway agencies; all necessary permits; all final signed and sealed surveying and engineering construction documents. No additional compensation shall be granted by DTPW due to the delays.

Sincerely,


Eulois Cleckley, Director and CEO
Department of Transportation and Public Works

cc.

Alex Barrios, Assistant Director
Hossin Habibnejad, P.E.
Bassam Moubayed, CFM
Miguel Soria, P.E.
Alejandro Sauleda P.E.

MDC004



MEMORANDUM

(Revised)

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

DATE: July 16, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 14(A)(3)

Please note any items checked.

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

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 14(A)(3)
7-16-24

RESOLUTION NO. R-704-24

RESOLUTION APPROVING CANCELLATION OF THE
DESIGN-BUILD SERVICES CONTRACT FOR THE
ROADWAY IMPROVEMENTS TO NW 107 AVENUE FROM
NW 138 STREET TO NW 166 STREET PROJECT (PROJECT
NO. DB19-DTPW-02, CONTRACT NO. 20190294)

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the cancellation of the Contract for Design-Build Services for the Roadway Improvements to NW 107 Avenue from NW 138 Street to NW 166 Street Project (Project No. DB19-DTPW-02, Contract No. 20190294) to Ric-Man International, Inc. A copy of the contract documents is on file with and available upon request from the Chief of the Capital Improvements Division of the Department of Transportation and Public Works.

The foregoing resolution was offered by Commissioner **Eileen Higgins** ,
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	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	absent
Kevin Marino Cabrera	absent	Sen. René García	aye
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of July, 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.

A handwritten signature in black ink, appearing to read "B. Libhaber", is written over a horizontal line.

Bruce Libhaber