

MEMORANDUM

Agenda Item No. 8(N)(2)

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

DATE: October 16, 2024

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution authorizing the County Mayor to execute Change Order No. 2 between OHLA USA, Inc. and Miami-Dade County for the project titled South Corridor TransitWay from SW 344 Street to Dadeland South Station, Contract No. CIP155-DTPW19-DB, to extend the contract duration by 250 calendar days, add 25 days to the contingency time, increase the contract amount by \$17,000,000.00, and reallocate \$5,000,000.00 from the dedicated allowance to the contract's base amount; and authorizing the use of Charter County Transportation Surtax Funds for this project which was added to the FY 2020-2025 Five-Year Implementation Plan in February 2020; and authorizing the County Mayor to execute same and to exercise the rights contained therein

Resolution No. R-932-24

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



Geri Bonzon-Keenan
County Attorney

GBK/ks

MDC001

Memorandum



Date: October 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: Change Order No. 2 for the South Corridor TransitWay Project from SW 344 Street to Dadeland South Station, Contract No. CIP1-155-DTPW19-DB

Executive Summary

This item seeks approval by the Board of County Commissioners (Board) for Change Order No. 2 for Contract No. CIP155-DTPW19-DB between OHLA USA, Inc. (OHL) and Miami-Dade County (County) to extend the contract duration by 250 calendar days, add an additional 25 days to the contingency time, increase the contract amount by \$17,000,000.00 and authorize the use of Charter County Transportation Surtax Funds for such purposes. This change order is being requested as a result of additional work associated with upgrading traffic controllers along US-1 from Datan Boulevard to SW 344 Street abutting the TransitWay as well as for additional milling and resurfacing along the corridor to correct pavement deficiencies not previously included in the design of the corridor. The additional scope included in this Change Order will not impact the projected revenue service date of the second quarter of 2025. The project is anticipated to reach substantial completion of construction activities in November 2024 and final completion in January 2025 with the installation of fare collection equipment being completed thereafter to allow for revenue service to begin in accordance with the project schedule.

This Change Order is due to additional work associated with upgrading traffic controllers along US-1 from Datan Boulevard to SW 344 Street abutting the TransitWay as well as additional milling and resurfacing for the TransitWay. The Change Order reallocates \$5,000,000.00 of unused dedicated allowance funds to the contract's base amount. It is worth highlighting that the proposed increase to the contract amount falls within the existing grant agreement with the Federal Transit Administration (FTA) and does not require allocation of new funding towards the project.

Recommendation

It is recommended that the Board approve Change Order No. 2 for Contract No. CIP155-DTPW19-DB between OHL USA, Inc. and the County to extend the contract duration by 250 calendar days, add an additional 25 days to the contingency time, and increase the contract amount by \$17,000,000.00. Furthermore, this Change Order reallocates an unused \$5,000,000.00 from the dedicated allowance to the base of the Contract.

This item is placed for Board review pursuant to County Code Section 29-124(f). This Change Order may only be considered by the Board if the Citizens' Independent Transportation Trust (CITT) has forwarded a recommendation to the Board prior to the date scheduled for Board

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

Page 2

consideration or 45 days have elapsed since the filing with the Clerk of the Board of this Change Order recommendation. If the CITT has not forwarded a recommendation and 45 days have not elapsed since the filing of this Change Order recommendation, a request for withdrawal of this item will be submitted.

Scope

The scope of work for this Design-Build Contract consists of the design, permitting, construction, and commissioning of the project including 14 new Bus Rapid Transit (BRT) stations at existing station locations, demolition of existing stations and ancillary structures, rehabilitation of approximately 16 remaining TransitWay stations, and accommodation of at-grade BRT vehicles. The project also encompasses the construction of a new BRT station at SW 168 Street that will provide parking for transit users and includes a multi-story parking garage, a local bus stop platform, and a kiss and ride drop-off/pick-up area. Moreover, the project includes the design, installation, programming and integration of a new signal system for the TransitWay and adjacent intersections plus the operation of gate arms to enhance safety and improve efficiency for the BRT service.

Delegation of Authority

In accordance with Section 2-8.3 of the County Code related to identifying delegation of Board authority, there are no authorities beyond those specified in the original resolution, which includes authority for the County Mayor or County Mayor's designee to execute this Change Order.

Fiscal Impact/Funding Source

The fiscal impact associated with Change Order No. 2 increases the contract amount by \$17,000,000.00 and reallocates an unused \$5,000,000.00 from the dedicated allowance to the contract's base amount. These funds are included within the original budget approved for the project thus not requiring a new allocation towards the project. This Change Order will be funded from various funding sources included in the FY 2023-24 Adopted Multi-Year Capital Plan as outlined below:

Funding Sources	Program ID	Project No.	Fund Code	Activity Code	Additional Amount
Charter County Transit System Surtax (PTP)	2000000973	3002043	ET008	005002	\$5,666,666.66
FTA Section 5309 Discretionary Grant	2000000973	3002043	ET005	005002	\$5,666,666.67
FDOT New Starts	2000000973	3002043	ET005	005002	\$5,666,666.67
			Total Amount		\$17,000,000.00

Track Record/Monitor

Pursuant to Resolution No. R-187-12, DTPW has performed an interim evaluation of OHL's performance on this project, scoring the contractor with an overall rating of 3.0, which is

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

Page 3

considered satisfactory. Rakeshpal S. Gill, DTPW Construction Manager 3, is responsible for the project's implementation and administration.

Background

The contract with OHL was approved through Resolution No. R-890-20 on August 31, 2020 for a total amount of \$368,233,493.42. A Notice to Proceed was issued on February 2, 2021, with a contract duration of 800 calendar days, producing a substantial completion date of Jan 13, 2023 and a scheduled final completion date of April 13, 2023. Through Change Order No 1, approved by the Board through Resolution No. R-940-22 on October 6, 2022, the contract duration was extended by 327 non-compensable days. With Change Order No. 2, the contract is extended by 250 calendar days and 25 days is added to the contingency time. The new total contract duration will be 1,377 calendar days with a new contingency time of 138 calendar days. The project is anticipated to reach substantial completion in November 2024 and final completion in January 2025 with the exception of the fare gate and ticket vending machine installations.

This time extension is a result of additional work associated with upgrading traffic controllers along US-1 from Datran Boulevard to SW 344 Street abutting the TransitWay. The scope includes removal of the existing traffic signal controllers and replacing them with new controllers with enhanced capabilities. The new controllers will be tested, integrated, and verified prior to each intersection being placed into operation. The replacement is required to facilitate communication between the TransitWay signals and the signals on the abutting roadways. Additionally, due to poor pavement conditions along the entire corridor, the scope of the project is being extended to include the milling and resurfacing of the entire 20-mile corridor instead of the originally scoped 10 miles.

Finally, the following concurrent delays will be addressed with this Change Order:

- Delays caused by the design of offsite improvements associated with the SW 168 Street parking garage. Those delays included unanticipated roadway improvements to SW 168 Street, the installation of a privacy fence for the adjacent properties, and the addition of a sidewalk connection from SW 97 Avenue to the shared-use path
- Plan and shop drawing reviews incidental to the technology change on traffic signal controllers
- Force majeure delays due to Hurricane Ian

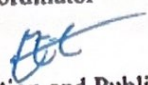
The additional scope included in this change order will not impact the corridors projected revenue service date. Staff is evaluating the deployment of the fare collection system and additional time may be needed to complete said work. Bus Rapid Transit (BRT) service is projected to start in the second quarter of 2025.



Jimmy Morales
Chief Operating Officer

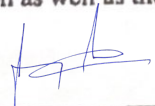
Memorandum

MIAMI-DADE
COUNTY

Date: August 28, 2024
To: Eugene Love, Agenda Coordinator
From: Eulois Cleckley, Director 
Department of Transportation and Public Works
Subject: Request to Process Late Departmental Agenda Item

I am requesting that Change Order No. 2 which increases the contract duration by 250 calendar days, adds an additional 25 days to the contingency time and increases the contract amount by \$17,000,000, with authorization to use People's Transportation Plan Bond Program Funds, for Contract No. CIP155-DTPW19-DB, Design-Build Services for the South Corridor (South-Dade TransitWay) Rapid Transit Project be added to the September Committee Cycle. Although this item has not met the noticed deadline and has been provided to the Agenda Coordination Office late, it is imperative that it be heard during the September Committee Cycle.

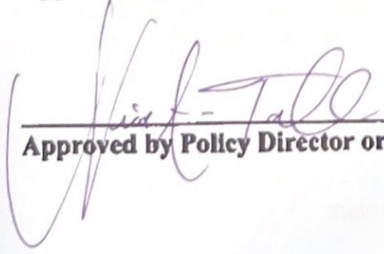
This Change Order is due to additional work associated with upgrading traffic controllers along US-1 from Datran Boulevard to SW 344 Street abutting the TransitWay and additional milling and resurfacing along the corridor to correct pavement deficiencies not previously included in the design of the corridor. Additionally, this Change Order reallocates \$5,000,000 of unused dedicated allowance funds to the base of the contract. It is worth highlighting that the proposed increase to the contract amount falls within the existing grant agreement with the Federal Transit Administration (FTA) and does not require allocation of new funding towards the project. The contract's base has been depleted, necessitating the need for this Change Order for the County to timely pay the vendor without risk of interest payments. The Change Order also facilitates timely progression of the project towards an anticipated service date of Quarter 2 of 2025. Therefore, please process the item notwithstanding that the 3-Day Rule may be applicable to it. I am aware that this item is subject to approval for placement on the agenda by the appropriate committee chairperson as well as the BCC Chairman, and review by the Office of the County Attorney.



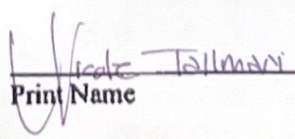
Approved by Mayor or Mayor's Designee

Jimmy Morales

Print Name



Approved by Policy Director or Designee



Print Name

cc: Geri Bonzon-Keenan, County Attorneys
CAOagenda@miamidade.gov



MEMORANDUM

(Revised)

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

DATE: October 16, 2024

FROM: 
Glen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(N)(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 ____, majority plus one ____, 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) ____, 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(N)(2)
10-16-24

RESOLUTION NO. _____ R-932-24

RESOLUTION AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 2 BETWEEN OHLA USA, INC. AND MIAMI-DADE COUNTY FOR THE PROJECT TITLED SOUTH CORRIDOR TRANSITWAY FROM SW 344 STREET TO DADELAND SOUTH STATION, CONTRACT NO. CIP155-DTPW19-DB, TO EXTEND THE CONTRACT DURATION BY 250 CALENDAR DAYS, ADD 25 DAYS TO THE CONTINGENCY TIME, INCREASE THE CONTRACT AMOUNT BY \$17,000,000.00, AND REALLOCATE \$5,000,000.00 FROM THE DEDICATED ALLOWANCE TO THE CONTRACT'S BASE AMOUNT; AND AUTHORIZING THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS FOR THIS PROJECT WHICH WAS ADDED TO THE FY 2020-2025 FIVE-YEAR IMPLEMENTATION PLAN IN FEBRUARY 2020; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN

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

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board authorizes the County Mayor or County Mayor's designee to execute Change Order No. 2 between OHLA USA, Inc. (OHLA) and Miami-Dade County (County) for the South Corridor TransitWay Project from SW 344 Street to Dadeland South Station, Contract No. CIP155-DTPW19-DB, to extend the contract duration by 250 calendar days, add 25 days to the contingency time, increase the contract amount by \$17,000,000.00, and reallocate \$5,000,000.00 from the dedicated allowance to the contract's base amount; authorizes the use of Charter County Transportation Surtax Funds for this

project, which was added to the FY 2020-25 Five-Year Implementation Plan in February 2020; and authorizes the County Mayor or County Mayor's designee to execute same and to exercise the rights contained therein.

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

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

The Chairperson thereupon declared this resolution duly passed and adopted this 16th day of October, 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 be "B. Libhaber".

Bruce Libhaber

MIAMI-DADE COUNTY, FLORIDA

DEPARTMENT OF TRANSPORTATION AND PUBLIC WORKS

CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: 2 CONTRACT NO: CIP155-DTPW19-DB
 PROJECT TITLE: Design Build Services for the South Corridor (South-Dade Transitway) Rapid Transit Project
 TO CONTRACTOR: OHL USA, INC. 9675 NW 117th Ave, Suite 108 Miami, FL 33178

DATE: 4/8/2024

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. 2 is to extend the contract duration by 250 calendar days plus 25 days contingency time and increase the contract amount by \$17,000,000.00 with the authorization of the use of People's Transportation Plan Bond Program Funds for such purposes.

Monetary Justification:

This Change Order is due to additional work associated with upgrading traffic controllers along US-1 from Datan Boulevard to SW 344 Street abutting the TransitWay and additional milling and resurfacing. Additionally, this change order reallocates \$5,000,000 of unused dedicated allowance funds to the base of the contract.

Time Justification:

Requested time is for additional work shown above.

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, except for those matters which the contractor has already submitted a notice of Intent to Assess a claim.

SUMMARY OF CONTRACT AMOUNT / TIME

ORIGINAL CONTRACT AMOUNT-----	\$368,233,493.42
COST OF CHANGES PREVIOUSLY ORDERED-----	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	\$368,233,493.42
COST OF CHANGES WITH THIS DOCUMENT-----	\$17,000,000.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	\$385,233,493.42
PERCENT INCREASE WITH THIS CHANGE-----	5%
TOTAL PERCENT INCREASE TO DATE-----	5%
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	800 / 0 / 577
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----	80 / 0 / 58
ADJUSTED DURATION INCLUDING THIS CHANGE-----	1515

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.*

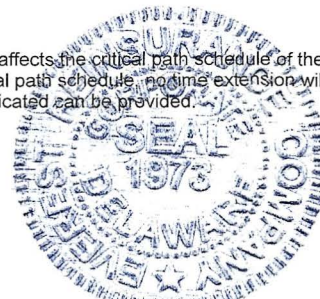
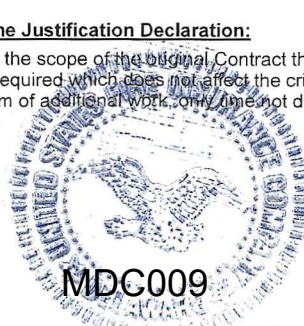
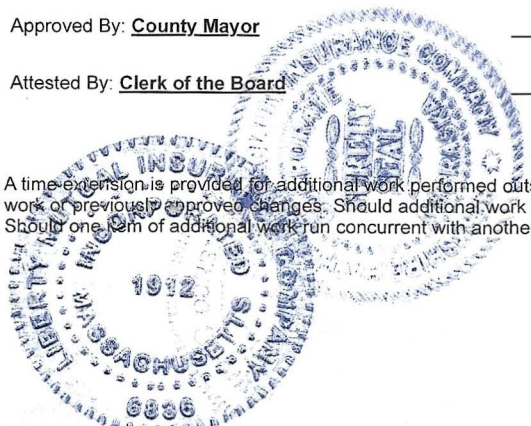
Accepted By:

Organization	Name	Title	Date
OHL USA, INC.	Liberty Mutual Insurance Company, Berkshire Hathaway Specialty Insurance Company, United States Fire Insurance Company, Everest Reinsurance Company	Donald Hickey, Executive Vice President	
Surety		Contractor	
		Surety	8/23/2024
		Andrea E. Gorbett, 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>	_____	_____

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.



MDC009



This Power of Attorney limits the acts of those named herein, and they have no authority to bind the Company except in the manner and to the extent herein stated.

Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

Certificate No: **8210512-985164**

POWER OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That The Ohio Casualty Insurance Company is a corporation duly organized under the laws of the State of New Hampshire, that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority herein set forth, does hereby name, constitute and appoint, Andrea E. Gorbett; Kevin T. Walsh, Jr.; Mariya Leonidov; Michael Marino

all of the city of Jericho state of NY each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 31st day of July, 2023.



Liberty Mutual Insurance Company
The Ohio Casualty Insurance Company
West American Insurance Company

By: David M. Carey
David M. Carey, Assistant Secretary

State of PENNSYLVANIA
County of MONTGOMERY ss

On this 31st day of July, 2023 before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of Liberty Mutual Insurance Company, The Ohio Casualty Company, and West American Insurance Company, and that he, as such, being authorized so to do, execute the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.



Commonwealth of Pennsylvania - Notary Seal
Teresa Pastella, Notary Public
Montgomery County
My commission expires March 28, 2025
Commission number 1126044
Member, Pennsylvania Association of Notaries

By: Teresa Pastella
Teresa Pastella, Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV – OFFICERS: Section 12. Power of Attorney.

Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitation as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to attach thereto the seal of the Corporation. When so executed, such instruments shall be as binding as if signed by the President and attested to by the Secretary. Any power or authority granted to any representative or attorney-in-fact under the provisions of this article may be revoked at any time by the Board, the Chairman, the President or by the officer or officers granting such power or authority.

ARTICLE XIII – Execution of Contracts: Section 5. Surety Bonds and Undertakings.

Any officer of the Company authorized for that purpose in writing by the chairman or the president, and subject to such limitations as the chairman or the president may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Company by their signature and execution of any such instruments and to attach thereto the seal of the Company. When so executed such instruments shall be as binding as if signed by the president and attested by the secretary.

Certificate of Designation – The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization – By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Renee C. Llewellyn, the undersigned, Assistant Secretary, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company, do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 23rd day of August, 2023.



By: Renee C. Llewellyn
Renee C. Llewellyn, Assistant Secretary



Berkshire Hathaway
Specialty Insurance

47-SUR-300018-01-0100

Power Of Attorney

BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY NATIONAL INDEMNITY COMPANY / NATIONAL LIABILITY & FIRE INSURANCE COMPANY

Know all men by these presents, that **BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY**, a corporation existing under and by virtue of the laws of the State of Nebraska and having an office at One Lincoln Street, 23rd Floor, Boston, Massachusetts 02111, **NATIONAL INDEMNITY COMPANY**, a corporation existing under and by virtue of the laws of the State of Nebraska and having an office at 3024 Harney Street, Omaha, Nebraska 68131 and **NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, a corporation existing under and by virtue of the laws of the State of Connecticut and having an office at 100 First Stamford Place, Stamford, Connecticut 06902 (hereinafter collectively the "Companies"), pursuant to and by the authority granted as set forth herein, do hereby name, constitute and appoint: Andrea E. Gorbert, Michael Marino, Mariya Leonidov, Marisol Mojica, Ryan Gray, Andreah Moran, 390 North Broadway, of the city of Jericho, State of New York, their true and lawful attorney(s)-in-fact to make, execute, seal, acknowledge, and deliver, for and on their behalf as surety and as their act and deed, any and all undertakings, bonds, or other such writings obligatory in the nature thereof, in pursuance of these presents, the execution of which shall be as binding upon the Companies as if it has been duly signed and executed by their regularly elected officers in their own proper persons. **This authority for the Attorney-in-Fact shall be limited to the execution of the attached bond(s) or other such writings obligatory in the nature thereof.**

In witness whereof, this Power of Attorney has been subscribed by an authorized officer of the Companies, and the corporate seals of the Companies have been affixed hereto this date of August 24, 2023. This Power of Attorney is made and executed pursuant to and by authority of the Bylaws, Resolutions of the Board of Directors, and other Authorizations of **BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, NATIONAL INDEMNITY COMPANY and NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, which are in full force and effect, each reading as appears on the back page of this Power of Attorney, respectively. **The following seals of the Companies and signatures by an authorized officer of the Company may be affixed by facsimile or digital format, which shall be deemed the equivalent of and constitute the written signature of such officer of the Companies and original seals of the Companies for all purposes regarding this Power of Attorney, including satisfaction of any signature and seal requirements on any and all undertakings, bonds, or other such writings obligatory in the nature thereof, to which this Power of Attorney applies.**

BERKSHIRE HATHAWAY SPECIALTY
INSURANCE COMPANY,

By:

David Fields, Executive Vice President



NATIONAL INDEMNITY COMPANY,
NATIONAL LIABILITY & FIRE INSURANCE COMPANY,

By:

David Fields, Vice President



NOTARY

State of Massachusetts, County of Suffolk, ss:

On this 24th day of August, 2023, before me appeared David Fields, Executive Vice President of **BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY** and Vice President of **NATIONAL INDEMNITY COMPANY** and **NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, who being duly sworn, says that his capacity is as designated above for such Companies; that he knows the corporate seals of the Companies; that the seals affixed to the foregoing instrument are such corporate seals; that they were affixed by order of the board of directors or other governing body of said Companies pursuant to its Bylaws, Resolutions and other Authorizations, and that he signed said instrument in that capacity of said Companies.

[Notary Seal]



Notary Public

I, Ralph Tortorella, the undersigned, Officer of **BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY, NATIONAL INDEMNITY COMPANY and NATIONAL LIABILITY & FIRE INSURANCE COMPANY**, do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies which is in full force and effect and has not been revoked. IN TESTIMONY WHEREOF, see hereunto affixed the seals of said Companies this August 23, 2024.



Ralph Tortorella, Officer

To verify the authenticity of this Power of Attorney please contact us at: BHSISurety Department, Berkshire Hathaway Specialty Insurance Company, One Lincoln Street, 23rd Floor Boston, MA 02111 | (770) 625-2516 or by email at Porter@bhspecialty.com THIS POWER OF ATTORNEY IS VOID IF ALTERED
To notify us of a claim please contact us on our 24-hour toll free number at (855) 453-9675, via email at claimsnotice@bhspecialty.com, via fax to (617) 507-8259, or via mail.



BERKSHIRE HATHAWAY SPECIALTY INSURANCE COMPANY (BYLAWS)

ARTICLE V.

CORPORATE ACTIONS

....

EXECUTION OF DOCUMENTS:

....

Section 6.(b) The President, any Vice President or the Secretary, shall have the power and authority:

- (1) To appoint Attorneys-in-fact, and to authorize them to execute on behalf of the Company bonds and other undertakings, and
- (2) To remove at any time any such Attorney-in-fact and revoke the authority given him.

NATIONAL INDEMNITY COMPANY (BY-LAWS)

Section 4. Officers, Agents, and Employees:

A. The officers shall be a President, one or more Vice Presidents, a Secretary, one or more Assistant Secretaries, a Treasurer, and one or more Assistant Treasurers none of whom shall be required to be shareholders or Directors and each of whom shall be elected annually by the Board of Directors at each annual meeting to serve a term of office of one year or until a successor has been elected and qualified, may serve successive terms of office, may be removed from office at any time for or without cause by a vote of a majority of the Board of Directors, and shall have such powers and rights and be charged with such duties and obligations as usually are vested in and pertain to such office or as may be directed from time to time by the Board of Directors; and the Board of Directors or the officers may from time to time appoint, discharge, engage, or remove such agents and employees as may be appropriate, convenient, or necessary to the affairs and business of the corporation.

NATIONAL INDEMNITY COMPANY (BOARD RESOLUTION ADOPTED AUGUST 6, 2014)

RESOLVED, That the President, any Vice President or the Secretary, shall have the power and authority to (1) appoint Attorneys-in-fact, and to authorize them to execute on behalf of this Company bonds and other undertakings and (2) remove at any time any such Attorney-in-fact and revoke the authority given.

NATIONAL LIABILITY & FIRE INSURANCE COMPANY (BY-LAWS)

ARTICLE IV

Officers

Section 1. Officers, Agents and Employees:

A. The officers shall be a president, one or more vice presidents, one or more assistant vice presidents, a secretary, one or more assistant secretaries, a treasurer, and one or more assistant treasurers, none of whom shall be required to be shareholders or directors, and each of whom shall be elected annually by the board of directors at each annual meeting to serve a term of office of one year or until a successor has been elected and qualified, may serve successive terms of office, may be removed from office at any time for or without cause by a vote of a majority of the board of directors. The president and secretary shall be different individuals. Election or appointment of an officer or agent shall not create contract rights. The officers of the Corporation shall have such powers and rights and be charged with such duties and obligations as usually are vested in and pertain to such office or as may be directed from time to time by the board of directors; and the board of directors or the officers may from time to time appoint, discharge, engage, or remove such agents and employees as may be appropriate, convenient, or necessary to the affairs and business of the Corporation.

NATIONAL LIABILITY & FIRE INSURANCE COMPANY (BOARD RESOLUTION ADOPTED AUGUST 6, 2014)

RESOLVED, That the President, any Vice President or the Secretary, shall have the power and authority to (1) appoint Attorneys-in-fact, and to authorize them to execute on behalf of this Company bonds and other undertakings and (2) remove at any time any such Attorney-in-fact and revoke the authority given.

**POWER OF ATTORNEY
UNITED STATES FIRE INSURANCE COMPANY
PRINCIPAL OFFICE - MORRISTOWN, NEW JERSEY**

05617

KNOW ALL MEN BY THESE PRESENTS: That United States Fire Insurance Company, a corporation duly organized and existing under the laws of the state of Delaware, has made, constituted and appointed, and does hereby make, constitute and appoint:

Michael Marino, Andrea E. Gorbett, Mariya Leonidov

each, its true and lawful Attorney(s)-In-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver: Any and all bonds and undertakings of surety and other documents that the ordinary course of surety business may require, and to bind United States Fire Insurance Company thereby as fully and to the same extent as if such bonds or undertakings had been duly executed and acknowledged by the regularly elected officers of United States Fire Insurance Company at its principal office, in amounts or penalties: **Unlimited**

This Power of Attorney limits the act of those named therein to the bonds and undertakings specifically named therein, and they have no authority to bind United States Fire Insurance Company except in the manner and to the extent therein stated.

This Power of Attorney is granted pursuant to Article IV of the By-Laws of United States Fire Insurance Company as now in full force and effect, and consistent with Article III thereof, which Articles provide, in pertinent part:

Article IV, Execution of Instruments - Except as the Board of Directors may authorize by resolution, the Chairman of the Board, President, any Vice-President, any Assistant Vice President, the Secretary, or any Assistant Secretary shall have power on behalf of the Corporation:

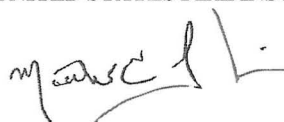
(a) to execute, affix the corporate seal manually or by facsimile to, acknowledge, verify and deliver any contracts, obligations, instruments and documents whatsoever in connection with its business including, without limiting the foregoing, any bonds, guarantees, undertakings, recognizances, powers of attorney or revocations of any powers of attorney, stipulations, policies of insurance, deeds, leases, mortgages, releases, satisfactions and agency agreements;

(b) to appoint, in writing, one or more persons for any or all of the purposes mentioned in the preceding paragraph (a), including affixing the seal of the Corporation.

Article III, Officers, Section 3.11, Facsimile Signatures. The signature of any officer authorized by the Corporation to sign any bonds, guarantees, undertakings, recognizances, stipulations, powers of attorney or revocations of any powers of attorney and policies of insurance issued by the Corporation may be printed, facsimile, lithographed or otherwise produced. In addition, if and as authorized by the Board of Directors, dividend warrants or checks, or other numerous instruments similar to one another in form, may be signed by the facsimile signature or signatures, lithographed or otherwise produced, of such officer or officers of the Corporation as from time to time may be authorized to sign such instruments on behalf of the Corporation. The Corporation may continue to use for the purposes herein stated the facsimile signature of any person or persons who shall have been such officer or officers of the Corporation, notwithstanding the fact that he may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, United States Fire Insurance Company has caused these presents to be signed and attested by its appropriate officer and its corporate seal hereunto affixed this 4th day of June, 2024.

UNITED STATES FIRE INSURANCE COMPANY



Matthew E. Lubin, President



State of New Jersey }
County of Morris }

On this 4th day of June, 2024, before me, a Notary public of the State of New Jersey, came the above named officer of United States Fire Insurance Company, to me personally known to be the individual and officer described herein, and acknowledged that he executed the foregoing instrument and affixed the seal of United States Fire Insurance Company thereto by the authority of his office.



Melissa H. D'Alessio (Notary Public)

I, the undersigned officer of United States Fire Insurance Company, a Delaware corporation, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy is still in force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of United States Fire Insurance Company on the 23rd day of August 20 24

UNITED STATES FIRE INSURANCE COMPANY


Michael C. Fay, Senior Vice President

MDC013



**POWER OF ATTORNEY
EVEREST REINSURANCE COMPANY**

KNOW ALL PERSONS BY THESE PRESENTS: That Everest Reinsurance Company, a corporation of the State of Delaware ("Company") having its principal office located at Warren Corporate Center, 100 Everest Way, Warren, New Jersey, 07059, do hereby nominate, constitute, and appoint:

Michael Marino, Andrea Elizabeth Gorbert, Mariya Leonidov

its true and lawful Attorney(s)-in-fact to make, execute, attest, seal and deliver for and on its behalf, as surety, and as its act and deed, where required, any and all bonds and undertakings in the nature thereof, for the penal sum of no one of which is in any event to exceed UNLIMITED, reserving for itself the full power of substitution and revocation.

Such bonds and undertakings, when duly executed by the aforesaid Attorney(s)-in-fact shall be binding upon the Company as fully and to the same extent as if such bonds and undertakings were signed by the President and Secretary of the Company and sealed with its corporate seal.

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Board of Directors of Company ("Board") on April 21, 2016:

RESOLVED, that the President, any Executive Vice President, and any Senior Vice President are hereby appointed by the Board as authorized to make, execute, seal and deliver for and on behalf of the Company, any and all bonds, undertakings, contracts or obligations in surety or co-surety with others and that the Secretary or any Assistant Secretary of the Company be and that each of them hereby is authorized to attest to the execution of any such bonds, undertakings, contracts or obligations in surety or co-surety and attach thereto the corporate seal of the Company.

RESOLVED, FURTHER, that the President, any Executive Vice President, and any Senior Vice President are hereby authorized to execute powers of attorney qualifying the attorney named in the given power of attorney to execute, on behalf of the Company, bonds and undertakings in surety or co-surety with others, and that the Secretary or any Assistant Secretary of the Company be, and that each of them is hereby authorized to attest the execution of any such power of attorney, and to attach thereto the corporate seal of the Company.

RESOLVED, FURTHER, that the signature of such officers named in the preceding resolutions and the corporate seal of the Company may be affixed to such powers of attorney or to any certificate relating thereto by facsimile, and any such power of attorney or certificate bearing such facsimile signatures or facsimile seal shall be thereafter valid and binding upon the Company with respect to any bond, undertaking, contract or obligation in surety or co-surety with others to which it is attached.

IN WITNESS WHEREOF, Everest Reinsurance Company has caused their corporate seals to be affixed hereto, and these presents to be signed by their duly authorized officers this 5th day of June 2024.



Everest Reinsurance Company

By: Anthony Romano, Senior Vice President

On this 5th day of June 2024, before me personally came Anthony Romano, known to me, who, being duly sworn, did execute the above instrument; that he knows the seal of said Company; that the seal affixed to the aforesaid instrument is such corporate seal and was affixed thereto; and that he executed said instrument by like order.

LINDA ROBINS
Notary Public, State of New York
No 01R06239736
Qualified in Queens County
Term Expires April 25, 2027

Linda Robins, Notary Public

I, Sylvia Semerdjian, Secretary of Everest Reinsurance Company do hereby certify that I have compared the foregoing copy of the Power of Attorney and affidavit, and the copy of the Section of the bylaws and resolutions of said Corporation as set forth in said Power of Attorney, with the ORIGINALS ON FILE IN THE HOME OFFICE OF SAID CORPORATION, and that the same are correct transcripts thereof, and of the whole of the said originals, and that the said Power of Attorney has not been revoked and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Company, this 23rd day of August 20 24.



By: Sylvia Semerdjian, Secretary



Memorandum



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

From: Javier A. Betancourt, Executive Director 

Date: September 26, 2024

Re: **CITT AGENDA ITEM 7A:**
RESOLUTION BY THE CITIZENS' INDEPENDENT TRANSPORTATION TRUST (CITT) RECOMMENDING THE BOARD OF COUNTY COMMISSIONERS (BCC) AUTHORIZE THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE CHANGE ORDER NO. 2 BETWEEN OHLA USA, INC. AND MIAMI-DADE COUNTY FOR THE PROJECT TITLED SOUTH CORRIDOR TRANSITWAY FROM SW 344 STREET TO DADELAND SOUTH STATION, CONTRACT NO. CIP155-DTPW19-DB, TO EXTEND THE CONTRACT DURATION BY 250 CALENDAR DAYS, ADD 25 DAYS TO THE CONTINGENCY TIME, INCREASE THE CONTRACT AMOUNT BY \$17,000,000.00, AND REALLOCATE \$5,000,000.00 FROM THE DEDICATED ALLOWANCE TO THE CONTRACT'S BASE AMOUNT; AUTHORIZE THE USE OF CHARTER COUNTY TRANSPORTATION SURTAX FUNDS IN THE AMOUNT OF **\$5,666,666.66**, FOR THIS PROJECT WHICH WAS ADDED TO THE FY 2020-2025 FIVE-YEAR IMPLEMENTATION PLAN IN FEBRUARY 2020; AND AUTHORIZE THE COUNTY MAYOR'S DESIGNEE TO EXECUTE SAME AND TO EXERCISE THE RIGHTS CONTAINED THEREIN **(DTPW- BCC LEGISLATIVE FILE NO. 241644)**

On September 25, 2024, the CITT voted (7-0) to forward a favorable recommendation to the Board of County Commissioners (BCC) for the approval of the above referenced item, CITT Resolution No. 24-021. The vote was as follows:

Robert Wolfarth, Chairperson – Aye
Mary Street, Esq., 1st Vice-Chairperson – Aye
Hon. Peggy Bell, 2nd Vice-Chairperson – Aye

Omar K. Bradford, Esq. – Aye
Qjuezari Harvey – Absent
Kenneth Kilpatrick – Aye
Miguel Murphy – Aye
Paul J. Schwiep, Esq. – Absent

Meg Daly – Aye
Harry Hoffman – Absent
David Marin – Aye
Robert Ruano – Aye

c: Jimmy Morales, Chief Operations Officer
Bruce Libhaber, Assistant County Attorney

MDC015