

Memorandum



Date: June 4, 2024

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

From: Daniella Levine Cava
Mayor

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

Subject: Resolution Ratifying Change Order No. 1 to Contract No. W-949 for High Service Pump Station Room Electrical Upgrades at the John E. Preston Water Treatment Plant

Agenda Item No. 8(O)(3)

EXECUTIVE SUMMARY

The item seeks ratification of the approval by the County Mayor or County Mayor's designee of Change Order No. 1 to Contract W-949 (the "Contract") between Miami-Dade County (the "County") and TGSV Enterprises, Inc. (the "Contractor") for the High Service Pump Station Room Electrical Upgrades at the John E. Preston Water Treatment Plant (the "Project"). Due to current unprecedented market conditions, resulting from labor shortages and supply chain issues, the Contract has experienced manufacturing and delivery delays of the electrical equipment. The standard lead time for this equipment has traditionally been 28-36 weeks; however, due to the current market conditions, the unforeseen actual lead time for fabrication of the electrical equipment is 75 weeks. Change Order No. 1 grants a 373-calendar day non-compensable time extension to the Contract in order to account for the impacts from the delay in the fabrication and delivery of the electrical equipment, and bears no additional fiscal impact to the County.

RECOMMENDATION

It is recommended that the Board of County Commissioners (the "Board") ratify the action of the County Mayor or County Mayor's designee, approving Change Order No. 1 to Contract W-949. The Change Order extends the Contract duration by 373-calendar days, thereby modifying the Final Completion Date from August 12, 2024 to August 20, 2025.

SCOPE

As shown on Exhibit A, which provides basic information about Change Order No. 1, the Project is located at the John E. Preston Water Treatment Plant in District 6, which is represented by Commissioner Kevin Marino Cabrera.

DELEGATION AUTHORITY

The Contract was awarded pursuant to Section 2-8.2.12 of the Miami-Dade County Code related to the Miami-Dade Water and Sewer Department's (WASD) Consent Decree and Capital Improvement Program 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.

FISCAL IMPACT/FUNDING SOURCE

Change Order No. 1 only provides for a time extension of 373 days; therefore, there is no fiscal impact to the County.

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 W-949.

BACKGROUND

Contract W-949 was awarded to the Contractor on April 24, 2023 for the High Service Pump Station Room Electrical Upgrades at the John E. Preston Water Treatment Plant. The award was ratified by the Board on May 2, 2023, via Resolution No. R-417-23. The total Contract award was \$13,291,350.00, with a Contingency Allowance of \$1,329,135.00, and a Contract duration of 385-calendar days, with a Contingency Time Allowance of 39 days. Notice to Proceed was issued on July 24, 2023, which established August 12, 2024 as the Contract’s Final Completion Date.

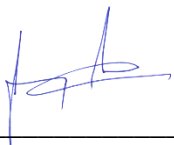
During a preliminary schedule review meeting, the Contractor notified WASD that, due to unprecedented market conditions resulting from labor shortages and supply chain issues, the manufacturing and delivery of the electrical equipment required for the Project would be extended from the standard lead time of 28-36 weeks to 65-75 weeks. The Contractor later submitted documentation from Siemens, the manufacturer selected to fabricate the electrical equipment, which substantiated an actual lead time of 75 weeks for fabrication of the electrical equipment. As a result, the Contractor requested a 373-calendar day non-compensable time extension to account for impacts to the Contract’s critical path due to the delay in the fabrication and delivery of the electrical equipment.

SMALL BUSINESS ENTERPRISE MEASURES

On February 21, 2024, the Office of Small Business Development (SBD) reviewed Contract W-949 for compliance with a 4 percent Construction (SBE-Con) goal; a 2.02 percent Goods (SBE-G) goal; Responsible Wages and Benefits; Residents First Training and Employment Program; and Employ Miami-Dade Program requirements. Resolution No. R-1001-15 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 is considered for Board approval. Resolution No. R-525-17 exempted change orders for non-compensatory time extensions from this requirement. Change Order No. One is for a time extension only; therefore, Resolution No. R-1001-15 does not apply. TGSV Enterprises, Inc is in compliance with Responsible Wages and Benefits, Resident’s First Training and Employment Program, and Employ Miami Dade Program. See the SBD memorandum attached hereto as Exhibit B.

A copy of Change Order No. 1 to Contract W-949 is attached hereto as Exhibit C. The original contract documents are kept on file with, and are available upon request from, the Intergovernmental Affairs Division of the Miami-Dade Water and Sewer Department.

Attachments



Jimmy Morales
Chief Operations 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		Original Contract		Funding Source(s)	Est. Start Date		Contract Measures	Brief Project Description	
	Contract Type	Project No.	Amount				Change Order Time	Amount	Adjusted Contract Amount	Est. End Date		Est. Start Date	Change Order Description			
	County Bid Process; Construction Contract		Contract No. W-949	John E. Preston Water Treatment Plant High Service Pump Station Room Electrical Upgrades	TGSV Enterprises Inc.	District 6 (Kevin Marino Cabrera)	\$15,007,598.00; 373 Calendar Days	Original Contract Amount \$15,007,598.00; Adjusted Contract Amount \$15,007,598.00	Future WASD Revenue Bonds; WASD Revenue Bonds Sold; Waste-water Connection Charges	Notice to Proceed Start Date: 07/24/2023 Completion Date: 08/20/2025	SBE G/S - 2.02% SBE A/E - N/A SBE Const. - 4% CWP Prog. - N/A	This project consists of improvements to the existing John E. Preston Water Treatment Plant High Service Pump Station. This Change Order extends the Contract Final Completion date by 373 days.				

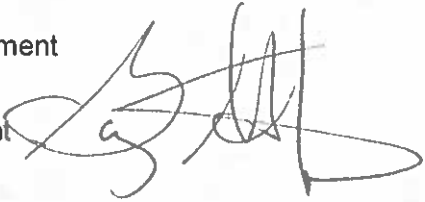
EXHIBIT B

Memorandum



Date: February 21, 2024

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

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

Subject: Project No. TW949, John E. Preston Water Treatment Plant High Service Pump Station Electrical Upgrades

Change Order Number One to Project No. TW949 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 4% SBE – Construction (SBE-Con) goal and a 2.02% 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. Change Order Number One is for a time extension only, as such R-1001-15 does not apply.

The prime, TGSV Enterprises, Inc. has been paid \$880,684 equal to 6% of the contract value. The SBE-Con firm has been paid \$240,530 equal to 27.31% of the amount paid to the prime and the SBE-G firm has not been utilized. TGSV Enterprises, Inc. 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 Verdaguer, Legislative and Municipal Affairs Special Assistant, WASD
Margaret Moss, Chief, Small Business Initiatives, WASD
Edith Brown, Chief, Contract Compliance Division, WASD
Patty Palomo, Chief, Intergovernmental Affairs, WASD
Donna Palmer, SPA1, WASD
SBD Section Chiefs

Bond No 0252268

MIAMI-DADE COUNTY, FLORIDA

WATER AND SEWER

CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: 1 CONTRACT NO: W-949 DATE: 2/7/2024
PROJECT TITLE: John E Preston Water Treatment Plant High Service Pump Station Room Electrical Upgrades
TO CONTRACTOR: TGSV ENTERPRISES INC 1301 West 68th Street Suite A, Hialeah, Florida 33014

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 a 373-calendar day, non-compensable time extension to the Contract due to unforeseen extended lead times for critical electrical equipment necessary to complete the job and on the critical path to complete the Contract on time.

Monetary Justification: There are no monies associated with this Change Order.

Time Justification: Contract W-949 was awarded to TGSV Enterprises, Inc. (the "Contractor") on April 24, 2023, for the High Service Pump Station Room Electrical Upgrades at the John E. Preston Water Treatment Plant (the "Contract"). The award was ratified by the Board of County Commissioners (the "Board") on May 2, 2023, via Resolution No. R-417-23. The total Contract award was \$13,291,350.00, with a (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.....	\$15,007,598.00
COST OF CHANGES PREVIOUSLY ORDERED.....	\$0.00
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE.....	\$15,007,598.00
COST OF CHANGES WITH THIS DOCUMENT.....	\$0.00
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE.....	\$15,007,598.00
PERCENT INCREASE WITH THIS CHANGE.....	0%
TOTAL PERCENT INCREASE TO DATE.....	0%
TIME ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE.....	385 / 0 / 373
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE.....	39 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE.....	797

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.

<u>Organization</u>	<u>Name</u>	<u>Accepted By:</u>	<u>Title</u>	<u>Date</u>
TGSV ENTERPRISES INC			Contractor	03/07/2024
<u>Surety</u>	<u>Name</u>	<u>Surety</u>		<u>Date</u>
Berkley Insurance Company	Charles J. Nelson - Attorney-in-Fact	Berkley Insurance Company		2/28/2024

<u>Title</u>	<u>Name</u>	<u>Date</u>
Approved By: <u>County Attorney</u> (for legal sufficiency)		3/11/24
Approved By: <u>County Mayor</u>		4/12/24
Attested By: <u>Clerk of the Board</u>		04/16/2024
	Anthony Lavadie - e302751	



Time Justification: (Continued)

Contingency Allowance of \$1,329,135.00 and a Contract duration of 385-calendar days, with a Contingency Time Allowance of 39 days. Notice to Proceed was issued on July 24, 2023, establishing August 12, 2024, as the Contract's Final Completion date. During a preliminary schedule review meeting, the Contractor notified the Miami-Dade Water and Sewer Department ("WASD") that, due to lingering impacts from the pandemic, manufacturing, and delivery of most of the electrical equipment required for this project were extended from the usual lead time of 28-36 weeks to 65-75 weeks. The Contractor later submitted documentation from Siemens, the manufacturer selected to fabricate the critical electrical equipment by the Contractor and pre-approved by WASD, which substantiated an actual lead time of 75 weeks for fabrication of most of the electrical equipment for the project. As a result, the Contractor requested a 373-calendar day non-compensable time extension to account for the delay in the fabrication and delivery of the electrical equipment.

Conclusion:

Change Order No. 1 to the Contract grants a 373-calendar day non-compensable time extension to the Contract, thereby moving the Final completion date from August 12, 2024, to August 20, 2025.

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.

POWER OF ATTORNEY
BERKLEY INSURANCE COMPANY
WILMINGTON, DELAWARE

KNOW ALL MEN BY THESE PRESENTS, that BERKLEY INSURANCE COMPANY (the "Company"), a corporation duly organized and existing under the laws of the State of Delaware, having its principal office in Greenwich, CT, has made, constituted and appointed, and does by these presents make, constitute and appoint: Charles J. Nielson; Charles D. Nielson; Joseph P. Nielson; Jarrett Merlucci; or David R. Hoover of Acrisure, LLC dba Nielson, Hoover & Company of Miami Lakes, FL its true and lawful Attorney-in-Fact, to sign its name as surety only as delineated below and to execute, seal, acknowledge and deliver any and all bonds and undertakings, with the exception of Financial Guaranty Insurance, providing that no single obligation shall exceed One Hundred Million and 00/100 U.S. Dollars (U.S.\$100,000,000.00), to the same extent as if such bonds had been duly executed and acknowledged by the regularly elected officers of the Company at its principal office in their own proper persons.

This Power of Attorney shall be construed and enforced in accordance with, and governed by, the laws of the State of Delaware, without giving effect to the principles of conflicts of laws thereof. This Power of Attorney is granted pursuant to the following resolutions which were duly and validly adopted at a meeting of the Board of Directors of the Company held on January 25, 2010:

RESOLVED, that, with respect to the Surety business written by Berkley Surety, the Chairman of the Board, Chief Executive Officer, President or any Vice President of the Company, in conjunction with the Secretary or any Assistant Secretary are hereby authorized to execute powers of attorney authorizing and qualifying the attorney-in-fact named therein to execute bonds, undertakings, recognizances, or other suretyship obligations on behalf of the Company, and to affix the corporate seal of the Company to powers of attorney executed pursuant hereto; and said officers may remove any such attorney-in-fact and revoke any power of attorney previously granted; and further

RESOLVED, that such power of attorney limits the acts of those named therein to the bonds, undertakings, recognizances, or other suretyship obligations specifically named therein, and they have no authority to bind the Company except in the manner and to the extent therein stated; and further

RESOLVED, that such power of attorney revokes all previous powers issued on behalf of the attorney-in-fact named; and further

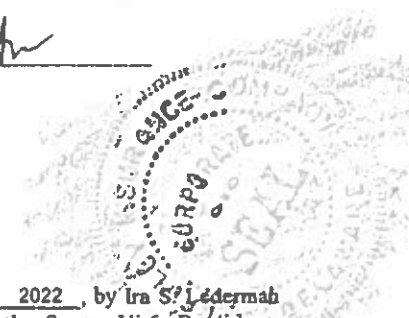
RESOLVED, that the signature of any authorized officer and the seal of the Company may be affixed by facsimile to any power of attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligation of the Company; and such signature and seal when so used shall have the same force and effect as though manually affixed. The Company 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 Company, notwithstanding the fact that they may have ceased to be such at the time when such instruments shall be issued.

IN WITNESS WHEREOF, the Company has caused these presents to be signed and attested by its appropriate officers and its corporate seal hereunto affixed this 26th day of April, 2022.



Attest:
By Ira S. Lederman
Executive Vice President & Secretary

Berkley Insurance Company
By Jeffrey M. Hafter
Senior Vice President



STATE OF CONNECTICUT)
) ss:
COUNTY OF FAIRFIELD)

Sworn to before me, a Notary Public in the State of Connecticut, this 26th day of April, 2022, by Ira S. Lederman and Jeffrey M. Hafter who are sworn to me to be the Executive Vice President and Secretary, and the Senior Vice President, respectively, of Berkley Insurance Company.

MARIA C RUNDBAKEN
NOTARY PUBLIC
CONNECTICUT
MY COMMISSION EXPIRES
APRIL 30, 2024

Maria C. Rundbaken
Notary Public, State of Connecticut

CERTIFICATE

I, the undersigned, Assistant Secretary of BERKLEY INSURANCE COMPANY, DO HEREBY CERTIFY that the foregoing is a true, correct and complete copy of the original Power of Attorney; that said Power of Attorney has not been revoked or rescinded and that the authority of the Attorney-in-Fact set forth therein, who executed the bond or undertaking to which this Power of Attorney is attached, is in full force and effect as of this date.



under my hand and seal of the Company, this 28th day of February, 2024.

Vincent P. Forte



MEMORANDUM
(Revised)

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

DATE: June 4, 2024

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(O)(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. 8(O)(3)
6-4-24

RESOLUTION NO. _____

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 APPROVING CHANGE ORDER NO. 1 TO CONTRACT W-949 BETWEEN MIAMI-DADE COUNTY AND TGSV ENTERPRISES, INC. FOR A 373-CALENDAR DAY NON-COMPENSABLE TIME EXTENSION TO THE CONTRACT FOR THE HIGH SERVICE PUMP STATION ROOM ELECTRICAL UPGRADES AT THE JOHN E. PRESTON WATER TREATMENT PLANT

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 to Contract W-949 between Miami-Dade County and TGSV Enterprises, Inc. for a 373-calendar day non-compensable time extension to the Contract for the High Service Pump Station Room Electrical Upgrades at the John E. Preston Water Treatment Plant. A copy of Change Order No. 1 is attached to the accompanying memorandum as Exhibit C.

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

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

The Chairperson thereupon declared the resolution duly passed and adopted this 4th day of June, 2024. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

JUAN FERNANDEZ BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

SED

Sarah E. Davis