

RESOLUTION No. 2009-142-1087

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A CHANGE ORDER TO THE CITY'S EXISTING CONTRACT WITH N & J CONSTRUCTION CORPORATION, IN AN AMOUNT NOT TO EXCEED ONE MILLION SEVEN HUNDRED THIRTY-ONE THOUSAND THREE HUNDRED FIFTY-EIGHT DOLLARS (\$1,731,358.00); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on December 12, 2007, the City Council, in accordance with Resolution No. 2007-171-678, authorized the City Manager to negotiate and execute an Agreement with N & J Construction Corporation for construction of the Miami Gardens Community Center, and

WHEREAS, on December 12, 2007, the City Council approved a contract for construction of the Project in the amount of Thirteen Million Nine Hundred Seventeen Thousand Four Hundred Eighty-Six Dollars (\$13,917,486.00) which included a ten percent (10%) contingency, and

WHEREAS, the Project is currently seventy-one percent (71%) constructed; however, during the construction, the City has become aware of some errors and omissions created by the original architect/engineer of record, and

WHEREAS, as a result of an extensive redesign, the cost of construction has escalated, and

WHEREAS, City staff is requesting that the City Council authorize a change order in the amount of One Million Seven Hundred Thirty-One Thousand Three Hundred Fifty-Eight Dollars (\$1,731,358.00) to cover the cost overruns of the Project,

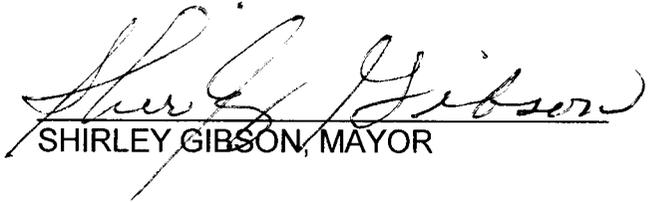
NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AUTHORIZATION: The City Council of the City of Miami Gardens hereby authorizes the City Manager to issue a change order to the existing Contract with N & J Construction Corporation in an amount not to exceed One Million Seven Hundred Thirty-One Thousand Three Hundred Fifty-Eight Dollars (\$1,731,358.00).

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON JULY 22, 2009.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, MMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

MOVED BY: Vice Mayor Watson
SECOND BY: Councilman Gilbert

VOTE: 6-0

Mayor Shirley Gibson	<u>X</u> (Yes)	____ (No)
Vice Mayor Barbara Watson	<u>X</u> (Yes)	____ (No)
Councilman Melvin L. Bratton	<u>X</u> (Yes)	____ (No)
Councilman Aaron Campbell	<u>X</u> (Yes)	____ (No)
Councilman Andre' Williams	<u>X</u> (Yes)	____ (No)
Councilwoman Sharon Pritchett	____ (Yes)	____ (No)(not present)
Councilman Oliver Gilbert	<u>X</u> (Yes)	____ (No)

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City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	July 22, 2009		Item Type:	Resolution	Ordinance	Other
			<i>(Enter X in box)</i>	X		
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>	1st Reading		2nd Reading
	X			<i>(Enter X in box)</i>	N/A	N/A
			Public Hearing: <i>(Enter X in box)</i>	Yes	No	Yes
					X	
Funding Source:	Capital Projects Fund		Advertising Requirement: <i>(Enter X in box)</i>	Yes		No
						X
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid #:			
	X					
Sponsor Name	Dr. Danny O. Crew, City Manager		Department:	Capital Improvements Division		

Short Title:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A CHANGE ORDER TO THE CITY'S EXISTING CONTRACT WITH N & J CONSTRUCTION CORPORATION, IN AN AMOUNT NOT TO EXCEED ONE MILLION SEVEN HUNDRED THIRTY-ONE THOUSAND THREE HUNDRED FIFTY-EIGHT DOLLARS (\$1,731,358.00); PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE. (SPONSORED BY THE CITY MANAGER)

Staff Summary:

On December 12, 2007, the City Council under Resolution No: 2007-171-678, authorized the City Manager to negotiate and execute an agreement with N & J Construction Corporation, Inc. in order to construct the 56,000 square foot Community Center building Located at 3000 NW 199th Street. On December 12, 2007, the City Council approved the contract for construction of the project in the amount of \$13,917,486.00, which included a 10% contingency (\$1,265,226) that could be approved by the City Manager during construction.

The City has budgeted \$19.8 M for the completion of phases one and two of this project. The staff estimated budget for phase one of the Community Center was \$14.8M, the N& J construction bid was \$12.6 M, which at that time was thought to be a cost savings of \$2.2M. It became evident early in the construction process that the plans provided by the original A/E firm were poorly prepared, leading to numerous missing items, coordination issues, and future programmatic concerns. On September 10, 2008, Council adopted resolution 2008-167-854 terminating the services of the original design architect and engaged a successor architect firm to complete the

project. Extensive redesign has been required to correct errors and omissions by the previous design firm. The new firm has resolved many conflicts and coordination issues in the original construction documents, and at this time, the facility is approximately 71% constructed.

Current Situation

Since the start of construction, a number of changes to the scope of work have occurred which are expected to exceed the Manager's prescribed approval authority. More specifically, City project management staff, building inspectors, and Parks and Recreation administration have identified additional needs that were either:

(1) Unforeseen Conditions not addressed in the original scope:	\$101,072
<i>(Examples)</i>	
FPL Duct Bank Modification	
Water /Sewer Upgrades	
(2) Identified as an error/omission by the original A/E of record or a correction required by building/fire code:	\$1,655,326
<i>(Examples)</i>	
Building Material Price Increase	
Earthwork for Artificial Turf	
HVAC corrections	
Fire protection Revisions	
Structural Modifications	
(3) Failed to meet Parks and Recreation operational needs for the facility:	\$601,865
<i>(Examples)</i>	
Temporary Owl Preserve Fencing	
Goal Posts for the Field	
Field Lighting	
Building Sound System	
(4) Reserve for Pending Issues	\$638,321
TOTAL CHANGES REQUESTED	\$2,996,584
<u>Approved CM Contingency EXPENDED</u>	<u>-(\$1,265,226)</u>
CURRENT CHANGE ORDER REQUEST	\$1,731,358

Staff is requesting approval of Change Order #1 to N & J Construction Corporation, Inc. in an amount not to exceed \$1,731,358, to cover the anticipated cost to complete the project. Attached as Exhibit-A is a breakdown of the project expenditures thus far.

Proposed Action:

It is recommended that the City Council approve the attached resolution authorizing the City Manager to issue a Change Order to the existing contract with N & J Construction Corporation located in Miami, FL in an amount not to exceed \$1,738,358.00.

Attachment:

Attachment - A
Attachment- B

Change Order Breakdown
Resolution 2007-171-678



MIAMI GARDENS COMMUNITY CENTER-CHANGE ORDER SUMMARY SHEET

Change No:	GC's PC	Description	Final Amounts	Days Requested	Days Approved
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EXHIBIT "A"

CHANGE ORDER NO:1

PROJECT COST SUMMARY

EXTENSION REQUESTED DAYS TOT.	EXTENSION APPROVED DAYS TOT.
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ORIGINAL CONSTRUCTION CONTRACT AMOUNT	\$ 12,652,260.00
MANAGERS CONTINGENCY @ 10%	\$ 1,265,226.00 [EXPENDED]
Approved Project Construction Total Per Reso. No: 2007-171-678 dated 11/27/2007	\$ 13,917,486.00
TOTAL ANTICIPATED ADDITIONAL FUNDS NECESSARY TO COMPLETE THE PROJECT	\$ 1,731,358.00
RECOMMENDED ADJUSTED CONSTRUCTION CONTRACT AMOUNT	\$ 15,648,844.00

25.00

REQUESTED PROJECT FUNDING INCREASE

\$ 1,731,358.00

RESOLUTION No. 2007-171-678

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AWARDING A BID TO PEREZ-GURRI CORP. D.B.A. N & J CONSTRUCTION, \$13,917,486 WHICH INCLUDES A CITY BUDGETED CONSTRUCTION CONTINGENCY OF 10% FOR THE CONSTRUCTION OF PHASE 1 CAROL CITY COMMUNITY CENTER; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT FOR THIS PURPOSE; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, in June 1999, Miami Dade County commissioned architect Judson Architecture, Inc., to perform architectural and engineering services in order to design a state-of-the-art youth education and sports center for the community ("Carol City Community Center"), and

WHEREAS, in 2002, the project was placed on hold due to funding shortages within the County, and

WHEREAS, in July 2004, via County Resolution No. R-982-04, the County transferred several parks, including the site of the proposed community center, to the City, and

WHEREAS, the Miami-Dade County Parks and Recreation Department subsequently transferred the Carol City Community Center plans to the City, along with the remaining balances of various grant funding sources (totaling approximately \$11.8M), and

WHEREAS, on November 10, 2004, the City via Resolution No. 2004-116-167 contracted Judson Architecture, Inc. to continue professional consulting services for Phases IV and V, which included bid assistance and construction administration; However, upon review of the plans transferred to the City by Miami Dade County, City staff requested additional design changes to ensure that the building was in compliance

Resolution No. 2007-171-678

with current codes and would meet the needs of the residents as indicated in the City's visioning process, and

WHEREAS, due to the fact that the City inherited construction documents that were substantially complete, staff determined that the only feasible course of action would be to proceed with the project utilizing the design-bid-build method, and

WHEREAS, on September 17, 2007, the City issued an Invitation to Bid for general construction services for the community center, running track, football/soccer field, and nature preserve, and

WHEREAS, of the six (6) proposals received, two (2) were deemed non-responsive due to one or more of the following issues: (1) incomplete bid package/missing documentation, and/or (2) did not list subcontractors as required by bid instructions, and

WHEREAS, the bids were evaluated for (1) compliance with the bid specifications, (2) the company's ability to complete the construction within the required time frame, (3) financial stability of the company, (4) lowest bid price, and (5) evidence of prior comparable experience, and

WHEREAS, based on the evaluation, the apparent low and responsive bidder is Perez-Gurri Corp. d/b/a N & J Construction, located in Miami, Florida, and

WHEREAS, reference and background evaluations were conducted and found favorable; site visits were conducted on several existing and current construction projects by staff, and financial records were analyzed by the City's Finance Director and were deemed satisfactory, and

WHEREAS, the City's architect consultant, Judson Architecture, performed a thorough analysis of the line item bid and the City's Project Manager reviewed the bid to verify the technical expertise of the bidders, and

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WHEREAS, the evaluation team found N & J Construction to be the most responsive responsible low bidder, and is recommending that the City contract with N&J to construct the Carol City Community Center,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

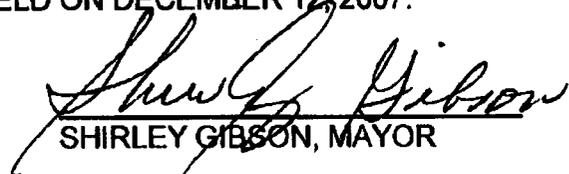
Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. AWARD OF BID: The City Council of the City of Miami Gardens hereby awards a bid to Perez-Gurri Corp. d/b/a N & J Construction, located in Miami, Florida, the amount of \$13,917,486 which includes a city budgeted construction contingency of 10% for the construction of Phase 1 Carol City Community Center.

Section 3. AUTHORIZATION: The City Manager is hereby authorized to negotiate and execute a contract for this purpose.

Section 4. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS REGULAR MEETING HELD ON DECEMBER 12, 2007.


SHIRLEY GIBSON, MAYOR

ATTEST


RONETTA TAYLOR, CMC, CITY CLERK

PREPARED BY: SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

Resolution No. 2007-171-678

MOVED BY: Vice Mayor Watson
SECONDED BY: Councilman Bratton

VOTE: 5-1

Mayor Shirley Gibson	<u> x </u> (Yes)	<u> </u> (No)	
Vice Mayor Barbara Watson	<u> x </u> (Yes)	<u> </u> (No)	
Councilman Melvin L. Bratton	<u> x </u> (Yes)	<u> </u> (No)	
Councilman Oscar Braynon, II	<u> </u> (Yes)	<u> </u> (No)	Not present
Councilman Aaron Campbell	<u> x </u> (Yes)	<u> </u> (No)	
Councilwoman Sharon Pritchett	<u> </u> (Yes)	<u> x </u> (No)	
Councilman André Williams	<u> x </u> (Yes)	<u> </u> (No)	

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