

RESOLUTION No. 2009-208-1154

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A CHANGE ORDER TO THAT CERTAIN AGREEMENT BETWEEN THE CITY OF MIAMI GARDENS AND N & J CONSTRUCTION CORPORATION, TO EXTEND THE CONTRACT COMPLETION TIME BY 116 CALENDAR DAYS; AUTHORIZING THE CITY MANAGER TO EXTEND THE CONTRACT FOR AN ADDITIONAL 30 CALENDAR-DAY PERIOD, IF NECESSARY; 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 a contract with N & J Construction Company ("N & J") to construct a 56,000 square foot Community Center Building located at 3000 N.W. 199th Street, and

WHEREAS, to date the facility is approximately 88% constructed, and

WHEREAS, N & J has requested additional time in order to complete the project,
and

WHEREAS, Staff is not objecting to the additional time period, because of the fact that some of the delays were not caused by N & J, and,

WHEREAS, N & J is specifically requesting, an additional 116 calendar days for completion of construction, for a total of 571 days to construct the Community Center,
and

WHEREAS, City Staff would like to provide authorization to the City Manager in order to extend the contract for an additional 30 calendar-day period, if necessary,

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 that certain Agreement between the City of Miami Gardens and N & J Construction Corporation to extend the contract completion time by 116 calendar days and additionally to extend the contract an additional 30 calendar-day period, if necessary.

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 NOVEMBER 10, 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 Gilbert
SECOND BY: Councilwoman Watson

VOTE: 5-0

Mayor Shirley Gibson	<u> X </u> (Yes)	___ (No)
Vice Mayor Oliver Gilbert, III	<u> X </u> (Yes)	___ (No)
Councilman Melvin L. Bratton	___ (Yes)	___ (No) (out of town)
Councilman Aaron Campbell	<u> X </u> (Yes)	___ (No)
Councilwoman Barbara Watson	<u> X </u> (Yes)	___ (No)
Councilwoman Sharon Pritchett	___ (Yes)	___ (No) (out of town)
Councilman André Williams	<u> X </u> (Yes)	___ (No)



City of Miami Gardens Agenda Cover Memo

Council Meeting Date:	November 10, 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		Public Hearing: <i>(Enter X in box)</i>		Yes	No	Yes	No
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 #:		08-09-052			
	X							
Sponsor Name	Dr. Danny O. Crew, City Manager		Department:		Capital Improvement 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 THAT CERTAIN AGREEMENT BETWEEN THE CITY OF MIAMI GARDENS AND N & J CONSTRUCTION CORPORATION, TO EXTEND THE CONTRACT COMPLETION TIME BY 116 CALENDAR DAYS; AUTHORIZING THE CITY MANAGER TO EXTEND THE CONTRACT FOR AN ADDITIONAL 30 CALENDAR-DAY PERIOD, IF NECESSARY; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE

Staff Summary:

Summary

On December 12, 2007, the City Council under Resolution No: 2007-171-678, authorized that the City Manager to negotiate and execute a contract with N & J Construction Corporation, Inc. to construct the 56,000 square foot Community Center building located at 3000 NW 199th Street. To date, the facility is approximately 88% constructed. A request for additional time for construction has been submitted by the general contractor. Staff and the project Architect reviewed the request for additional time and are recommending an additional 116 days be granted, which will extend the construction final completion date per the contract from September 6, 2009 to January 1, 2010. The requested time extensions had occurred due to project conditions and events beyond the direct control of the general contractor.

**ITEM J-3) CONSENT AGENDA
RESOLUTION
Change Order to N & J Construction**

Current Situation

During the course of the project construction four (4) specific delays occurred affecting the original project schedule hence impacting the original final construction completion date. The general contractor was required to substantially complete the work within 425 calendar days with final construction completion achieved 30 calendar days later for a total contract time of 455 calendar days, putting the original final construction completion date at September 6, 2009. The construction schedule was adversely affected to account for the following:

1. The delay in securing construction permits
2. Hazardous Materials Force Main Removals from the site delay
3. Tropical Storm Fay weather delay
4. FPL Design and installation of main power service to the building delay.

The total time extension recommended by the project Architect and staff is 116 calendar days, for a total of 571 days to construct the Community Center. If this recommendation is accepted, the new final construction completion date will be January 1, 2010.

The contract for the project does not allow for additional compensation to the contractor for time extensions, hence the recommendation does not increase the contract amount. Attached as Exhibit-A is a breakdown of the four (4) construction delays.

Proposed Action:

It is recommended that the City Council approve the attached resolution allowing the City Manager to authorize Change Order #2 which will extend the project final construction completion time by 116 calendar days, from 455 days to 571 days. The new final construction completion date is except to be January 1, 2010. In addition, the resolution gives the City Manager the authority to extend the contract an additional 30 calendars day, if necessary.

Attachment:

Attachment - A

**Miami Gardens Community Center
Attachment- A**

Staff has extensively negotiated the four delay requests and is recommending approval of an extension in the project construction time as follows:

Delay 1- Construction Permits issuance later that the Original NTP Date.	15 Days
Delay 2- Hazardous Materials Removal from the site affecting the Construction Schedule.	08 Days
Delay 3-Tropical Storm Fay Weather Impact to Schedule.	02 Days
Delay 4-FPL Design and installation of Main Power Service to The Building.	91 days
Total Days Recommended	116.00