

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date:November 21, 2006 [X] Consent [] Regular
[] Workshop [] Public Hearing

Department:
Submitted By: ENGINEERING AND PUBLIC WORKS
Submitted For: CONSTRUCTION COORDINATION DIVISION

I. EXECUTIVE BRIEF

Motion and Title: STAFF RECOMMENDS MOTION TO APPROVE: Change Order No. 2 in the credit amount of (\$538,201) to Contract No. R2005-1021 with J. W. Cheatham, Inc. for construction of Seminole Pratt Whitney Road from 100th Lane North to Biotech Parkway and Biotech Parkway from Seminole Pratt Whitney Road to 1.076 miles east.

Summary: Due to a court order to stop work on Seminole Pratt Whitney Road from 100th Lane North to Biotech Parkway and Biotech Parkway from Seminole Pratt Whitney Road to 1.076 miles east, Palm Beach County negotiated amounts for the partially completed work as required to terminate the construction contract prior to project completion. Change Order No. 2 reflects the negotiated quantity adjustments. This credit will lower the final contract amount by (\$538,201).

District: 1 (M.E.)

Background and Justification: See attached court documentation information. Final acceptance and final payment of the contract with J. W. Cheatham, Inc. will be presented to the Contract Review Committee for acceptance within the next few weeks.

- Attachments:**
1. Location Map
 2. Change Order No. 2 with Exhibit 'A' attachment
 3. Schedule No. 1
 4. Change Order History
 5. Court documentation information

Recommended by: _____
Division Director Date

Approved By: D. T. Webb 10/25/06
County Engineer Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	<\$538,201>	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	<\$538,201>	-0-	-0-	-0-	-0-

ADDITIONAL FTE

POSITIONS (Cumulative)

Is Item Included in Current Budget? Yes X No

Budget Acct No.: Fund 3503 Dept. 361 Unit 1106 Object 6551.
Program

B. Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Fund - Zone 3

PGA/Seminole Pratt to 1.5 Mile East

Change Order # 2 (Credit)
PO CSEP061405-37

<\$538,200.31>

C. Departmental Fiscal Review: R. D. Ward 10/5/06

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

[Signature] 10-30-06
OFMB
actw 10-30-06
115
10/30/06 10M
10-27-06
B. Approved as to Form

Contract Dev. and Control 11/2/06
E. Jones 11/1/06

B. Approved as to Form and Legal Sufficiency:

Marlene R. Little 11/03/04
Assistant County Attorney

**This item complies with current
County policies.**

C. Other Department Review:

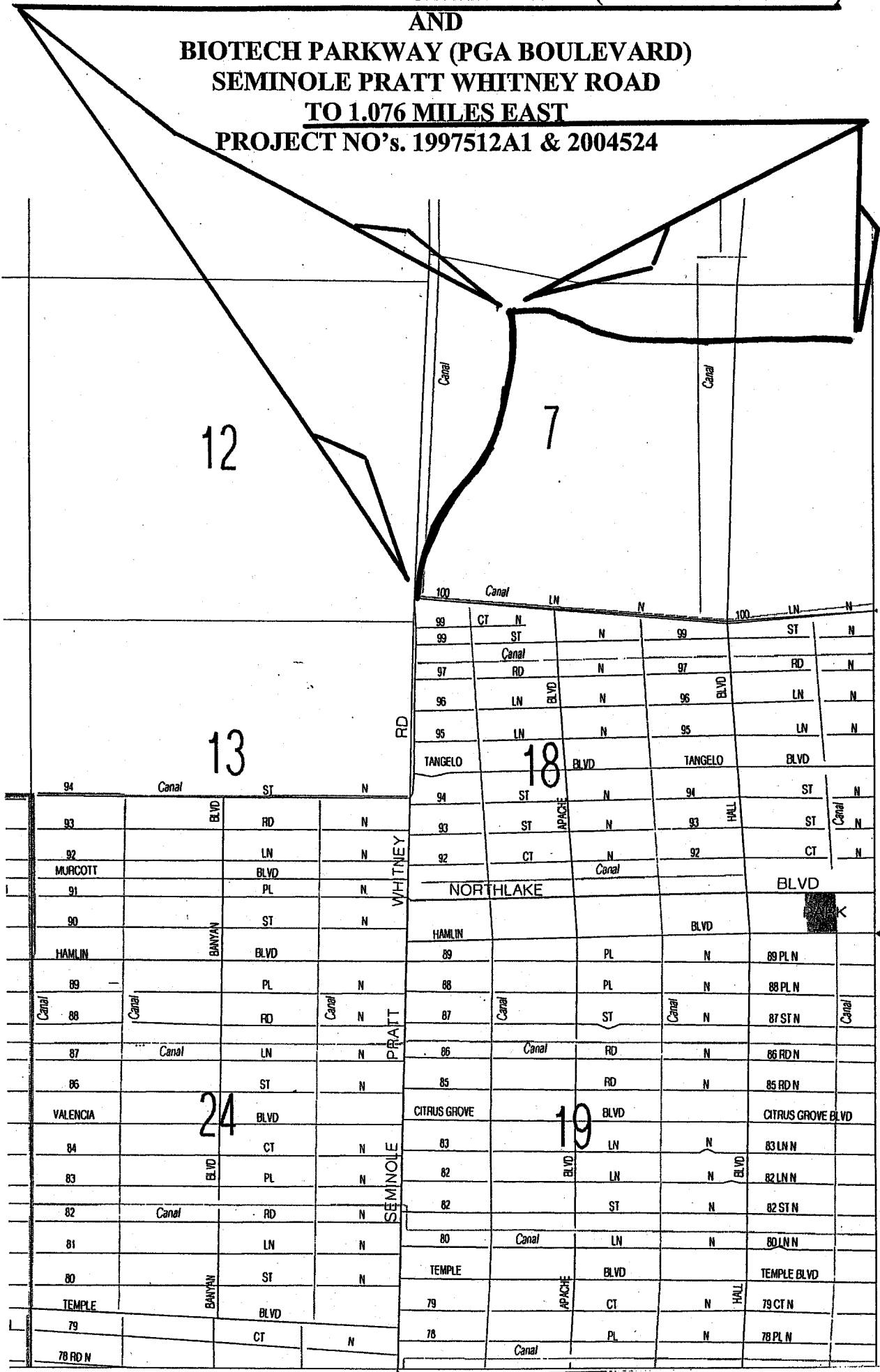
Department Director

This summary is not to be used as a basis for payment.

SEMINOLE PRATT WHITNEY ROAD
100TH LANE NORTH TO BIOTECH PARKWAY (PGA BOULEVARD)

AND
BIOTECH PARKWAY (PGA BOULEVARD)
SEMINOLE PRATT WHITNEY ROAD
TO 1.076 MILES EAST

PROJECT NO's. 1997512A1 & 2004524



LOCATION SKETCH

CHANGE ORDER

ORIGINAL

Attachment 2

☒ Owner Initiated

☐ Differing Site Conditions

☐ Zoning/Code/Ordinance Changes

☐ Errors/Omissions/In Design

☐ Quantity Overruns/Underruns

☐ Request By Another Agency/Outside Party

☐ A. Reimbursable ☐ B. Non-Reimbursable

☐ Other:

PROJECT: (Name) (Contractor)

Seminole Pratt Whitney Road/100th Lane North to Biotech Parkway and Biotech Parkway/Seminole Pratt Whitney Road to 1.076 miles east J.W. Cheatham, Inc.

CHANGE ORDER NO: COUNTY PROJECT NO's: CONTRACT DATE: RESOLUTION NO: DISTRICT NO:

2 (two) 2004524/1997512A1 05/17/05 R2005-1021 6

You are directed to make the following changes in this Contract:

Negotiated amounts for additional work required due to termination of construction contract prior to project completion. Also, partial payment for dewatering sock, drainage structures, and pipes that were cast and/or delivered but not installed.

Delete drainage structures and pipes that will not be installed.

(See attached Exhibit "A" breakdown)

TOTAL CREDIT (\$ 538,200.31)

The original Contract Sum was	\$8,991,226.95
Net change by previous Change Orders.	\$ 34,074.00
The Contract Sum prior to this Change Order was	\$9,025,300.95
The Contract Sum will be decreased by this Change Order	\$ (538,200.31)
The new Contract Sum including this Change Order will be	\$8,487,100.64
The Contract Time will be unchanged by	(0) Days
The Date of Completion as of the date of this Change Order therefore is	August 20, 2006

EXECUTION OF THIS CHANGE ORDER ACKNOWLEDGES FINAL SETTLEMENT OF, AND RELEASES ALL CLAIMS FOR, COSTS AND TIME ASSOCIATED, DIRECTLY OR INDIRECTLY, WITH THE ABOVE-STATED MODIFICATION(S). INCLUDING ALL CLAIMS FOR CUMULATIVE DELAYS OR DISRUPTIONS RESULTING FROM, CAUSED BY, OR INCIDENT TO, SUCH MODIFICATION(S), AND INCLUDING ANY CLAIM THAT THE ABOVE-STATED MODIFICATION(S) CONSTITUTES, IN WHOLE OR PART, A CARDINAL CHANGE TO THE CONTRACT.

ENGINEER (If Applicable)

Address

BY _____

DATE _____

J.W. Cheatham, Inc.

CONTRACTOR

7396 Westport Place

Address

West Palm Beach, FL 33413

BY S.M. Manacil

DATE 8/9/06

P.B.Co. Board of County Commissioners

OWNER

P. O. Box 1229

Address

West Palm Beach, FL 33416-1229

BY _____

DATE _____

ATTEST: Sharon R. Bock,
Clerk & Comptroller

Approved as to Form and Legal
Sufficiency:

(Deputy Clerk)

Date

(County Attorney)

PALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS

**J.W.
Cheatham,
LLC**

**ROAD BUILDING &
EARTHMIVING CONTRACTORS**

July 13, 2006

Palm Beach County
Construction Coordination
P.O. Box 21229
West Palm Beach, FL 33416

Attn: Mr. Ellis Ross, Director Construction Coordination

Re: Seminole Pratt Whitney Road & Biotech Parkway
Project No.'s 1997E12A1 & 2004524

Dear Mr. Ross;

Pursuant to our meeting on 5/18/06 J.W. Cheatham, LLC is requesting a change order to be issued for the above referenced contract for material delivered to the site and additional costs incurred by J.W. Cheatham, LLC and its subcontractors due to termination of contract by Palm Beach County.

Add Inlets J-X Delivered	5 EA	@	\$ 3,701.00/EA	\$18,505.00
Delete Inlets J-X Installed	< 5 EA> ✓	@	\$ 6,160.00/EA	<\$30,800.00>
Add Inlets Type E Delivered	8 EA	@	\$ 1,816.00/EA	\$14,528.00
Delete Inlets Type E Installed	< 8 EA> ✓	@	\$ 5,040.00/EA	<\$40,320.00>
Add J-7 Manhole Delivered	3 EA	@	\$ 2,745.00/EA	\$ 8,235.00
Delete J-7 Manhole Installed	< 3 EA>	@	\$ 7,280.00/EA	<\$21,840.00>
Add Inlet P-5 Delivered	4 EA	@	\$ 1,632.00/EA	\$ 6,528.00
Delete Inlet P-5 Installed	< 4 EA>	@	\$ 3,584.00/EA	<\$14,336.00>
Add Inlet J-6 Delivered	2 EA	@	\$ 6,007.00/EA	\$12,014.00
Delete Inlet J-6 Installed	< 2 EA>	@	\$11,200.00/EA	<\$22,400.00>
Add Inlet P-X Delivered	4 EA	@	\$ 2,169.00/EA	\$ 8,676.00
Delete Inlet P-X Installed	< 4 EA>	@	\$ 3,585.00/EA	<\$14,340.00>
Add Inlet P-6 Delivered	1 EA	@	\$ 2,850.00/EA	\$ 2,850.00
Delete Inlet P-6 Installed	< 1 EA>	@	\$ 4,032.00/EA	<\$ 4,032.00>
Add J Manhole 9x9 Delivered	1 EA	@	\$15,920.00/EA	\$15,920.00
Delete J Manhole 9x9 Installed	< 1 EA>	@	\$17,920.00/EA	<\$17,920.00>
Add ARV Manhole Delivered	4 EA	@	\$ 682.00/EA	\$ 2,728.00
Add ARV Casting Delivered	1 EA	@	\$ 2,920.00/EA	\$ 2,920.00
Delete ARV Manhole W.M.	< 1 EA>	@	\$ 5,040.00/EA	<\$ 5,040.00>
Delete ARV Manhole F.M.	< 3 EA>	@	\$ 6,270.00/EA	<\$18,810.00>
Add 24" RCP Delivered	88 LF	@	\$ 26.65/LF	\$ 2,345.20
Delete 24" RCP Installed	<88 LF>	@	\$ 65.00/LF	<\$ 5,720.00>
Add 30" RCP Delivered	24 LF	@	\$ 37.85/LF	\$ 908.40
Delete 30" RCP Installed	<24 LF>	@	\$ 81.00/LF	<\$ 1,944.00>

Page 2

Seminole Pratt Whitney Road & Biotech Parkway Cont'd

Add 42" RCP Delivered	8 LF	@	\$ 65.90/LF	\$ 527.20
Delete 42" RCP Installed	< 8 LF>	@	\$107.50/LF	<\$ 860.00>
Add 48" RCP Delivered	72 LF	@	\$ 82.70/LF	\$ 5,954.40
Delete 48" RCP Installed	< 72 LF>	@	\$134.50/LF	<\$ 9,684.00>
Add 84" RCP Delivered	240 LF	@	\$217.30/LF	\$ 52,152.00
Delete 84" RCP Installed	< 240 LF>	@	\$246.50/LF	<\$ 59,160.00>
Add 84" CAP Delivered	20 LF	@	\$153.80/LF	\$ 3,076.00
Delete 84" CAP Installed	< 20 LF>	@	\$224.00/LF	<\$ 4,480.00>
Add 24" CAP Delivered	16 LF	@	\$ 20.85/LF	\$ 333.60
Delete 24" CAP Installed	< 16 LF>	@	\$ 54.00/LF	<\$ 864.00>
Add Restocking Charge for Returned 72" RCP	1,104 LF	@	\$ 28.09/LF	\$ 31,011.36
Delete 72" RCP Installed	<1,104 LF>	@	\$219.00/LF	<\$ 241,776.00>
Add Restocking Charge for Returned 84" RCP	1,176 LF	@	\$ 36.28/LF	\$ 42,665.28
Delete 84" RCP Installed	<1,176 LF>	@	\$246.50/LF	<\$ 289,884.00>
Dewatering Sock Pipe Installed	1,475 LF	@	\$ 5.95/LF	\$ 8,776.25
Additional Work to Safe Up Project		@	1 Lump Sum	\$ 15,262.00
Additional Cost for Hauling Excess Material		@	1 Lump Sum	\$ 2,820.00
Additional Cost for FPL Manhole Movement on-site		@	1 Lump Sum	<u>\$ 7274.00</u>

Net Total: <\$ 538,200.31>

In addition to the above J.W. Cheatham, LLC is requesting our prorata share of the balance of mobilization item to be paid (Approx. 86% of total mobilization), based on completed value of contract amount.

Trusting the above meets with your approval.

Sincerely,
J.W. Cheatham, LLC

S. M. Moussavi

Moe Moussavi
Vice President of Estimating

SCHEDULE 1

LIST OF PROPOSED SBE-M/WBE SUBCONTRACTORS

PROJECT NAME: Seminole Pratt Whitney Rd/100th LN North PROJECT NO: 2004524 / 1997512A1
NAME OF PRIME BIDDER: Biotech Parkway and Biotech Parkway
CONTACT PERSON: Moe Moussa PHONE NO: (561) 471-4100 FAX NO: (561) 471-8348
BID DATE: _____ DEPARTMENT: EST

PLEASE IDENTIFY ALL APPLICABLE CATEGORIES OF SUBCONTRACTORS

Name, Address and Phone Number	(Check one or both Categories)		Dollar Amount				
	Minority Business	Small Business	Small	Black	Hispanic	Women	Other (Please Specify)
1. <u>Florida Geodynamics</u> <u>Boca Raton</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	\$ _____	\$ _____	\$ _____	<u><123760.00></u>	\$ _____
2. _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
3. _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
4. _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
5. _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
6. _____	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
(Please use additional sheets if necessary)			Total	\$ _____	\$ _____	<u><123760.00></u>	\$ _____

Total Bid Price \$ C.O. <538200.31> Total Value of SBE Participation \$ <123760.00>

- NOTE:
1. The amounts listed on this form must be supported by the Subcontractors prices included on Schedule 2 in order to be counted toward goal attainment.
 2. Firms may be certified by Palm Beach County as an SBE and/or M/WBE. If firms are certified as both an SBE and M/WBE, please indicate the dollar amount under the appropriate category.
 3. M/WBE information is being collected for tracking purposes only.

CHANGE ORDER HISTORY

SEMINOLE PRATT WHITNEY ROAD/100th LANE NORTH TO BIOTECH PARKWAY AND BIOTECH PARKWAY/
PALM BEACH COUNTY PROJECT SEMINOLE PRATT WHITNEY ROAD TO 1.076 MILES EAST; PROJECT NO.'S 1997512A1/2004524

C.O. #	DATE APPROVED	COUNTY ENGINEER		C.R. COMMITTEE		TOTAL DEPT. & C.R. APPROVALS		BOARD OF CO. COMM.	
		AMOUNT	TIME	AMOUNT	TIME	AMOUNT	TIME	AMOUNT	TIME
1	9/14/2005			34,074.00	0				
	TOTAL	0.00		34,074.00	0	34,074.00	0		
	CUMULATIVE TOTAL	0.00		34,074.00	0	34,074.00	0		
		MAX. AMT. \$100,000.00	MAX. TIME 30 DAYS	MAX. AMT. \$100,000.00	MAX. TIME 90 DAYS	MAXIMUM CUMULATIVE CO. ENG. & C.R. COMM. \$200,000.00	MAX. CUM. CO.ENG.&C.R. 120 DAYS		

From: Jim Mize
To: Ellis Ross
Date: Mon, Aug 14, 2006 4:16 PM
Subject: Fwd: Re: Mecca

Following are the case style and dates I think you are looking for.

>>> Amy Petrick 8/14/2006 12:57:19 PM >>>
The case style is:

Florida Wildlife Federation, a Florida not-for-profit corporation; and Sierra Club, Inc., a not-for-profit corporation, Plaintiffs, v. United States Army Corps of Engineers, and Colonel Robert M. Carpenter, District Engineer, in his official capacity, Defendants. CASE NO. 05-80339 CIV.-MIDDLEBROOKS/JOHNSON, United States District Court in and for the Southern District of Florida. The date of the order granting Plaintiffs' Motion for Summary Judgment was entered September 30, 2005. The initial order granting injunctive relief was November 10, 2005. The Order on our motion to clarify was issued November 21, 2005.

Amy Taylor Petrick
Assistant County Attorney
Palm Beach County Attorney's Office
301 N. Olive Ave., Suite 601
West Palm Beach, FL 33401
Tel: (561) 355-2529
Fax: (561) 355-4234

>>> Jim Mize 8/14/2006 12:06 PM >>>

Engineering is doing an agenda item regarding the road construction contract at Mecca and wanted the style of the Fed litigation that stopped the project and the date the order was entered that ultimately restricted our ability to finish the work. Could you get someone to send me this info? Thanks in advance.