

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date: November 6, 2007	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/>	Regular
	<input type="checkbox"/> Workshop	<input type="checkbox"/>	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. 10 in the amount of \$18,166.90, together with an 88-day time extension, to Contract No. R2005-1438 with Bergeron Land Development, Inc. for construction of Lawrence Road from Boynton Beach Boulevard to Gateway Boulevard (Project).

Summary: Change Order No. 10 is compensation for additional costs and delays encountered due to the inability of the existing structure, at Lake Worth Drainage District (LWDD) L-22 Canal, to support maintenance of traffic.

District: 3 (M.R.E.)

Background and Justification: After construction began on this Project, it was discovered that the existing substructure did not have the required support to accommodate the planned maintenance of one lane of traffic in each direction. As solutions were being evaluated, the contractor experienced operational delays on the Project. The contractor revised his work schedule and demobilized his subcontractors in order to minimize the effect of the delay. At the time, it was not feasible to quantify the effects the setback would ultimately have on the progress of the Project. After all items of associated work were completed, the effects of the delay could be quantified. The result was determined to be an actual delay of 88 days with associated costs of \$18,166.90 due to the contractor for compensation caused by this delay.

Attachments:

1. Location Map
 2. Change Order No. 10
 3. Bergeron Land Development, Inc.'s September 4, 2007 letter
 4. P.B.C. Roadway Production's September 7, 2007 memo
 5. Change Order History
 6. Schedule 1
 7. Budget Availability Statement
-

Recommended By:

Imelda

Elba L. Romo

Division Director

9-24-07

Date

Approved By:

A. T. Webb

County Engineer

10/9/07

Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	\$18,167	-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	\$18,167	-0-	-0-	-0-	-0-

ADDITIONAL FTE
POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes X No
Budget Acct No.: Fund 3504 Dept. 361 Unit 0651 Object 6551. ✓
Program

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

Road Impact Fee Fund - Zone 4
Lawrence Rd/Boynton Bch Blvd to Gateway Blvd

Change Order # 10
PO CSEP082505-49

\$18,166.90

C. Departmental Fiscal Review: R.D. Ward 9/20/07

III. REVIEW COMMENTS

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

Jim Buhl 10-17-07
OFMB
52
10/16/07 VO
10/18/07

Jim J. Jacoby 10/18/07
Contract Dev. and Control
10/17/07

B. Approved as to Form and Legal Sufficiency:

Marlene R. Pitts 10/22/07
Assistant County Attorney

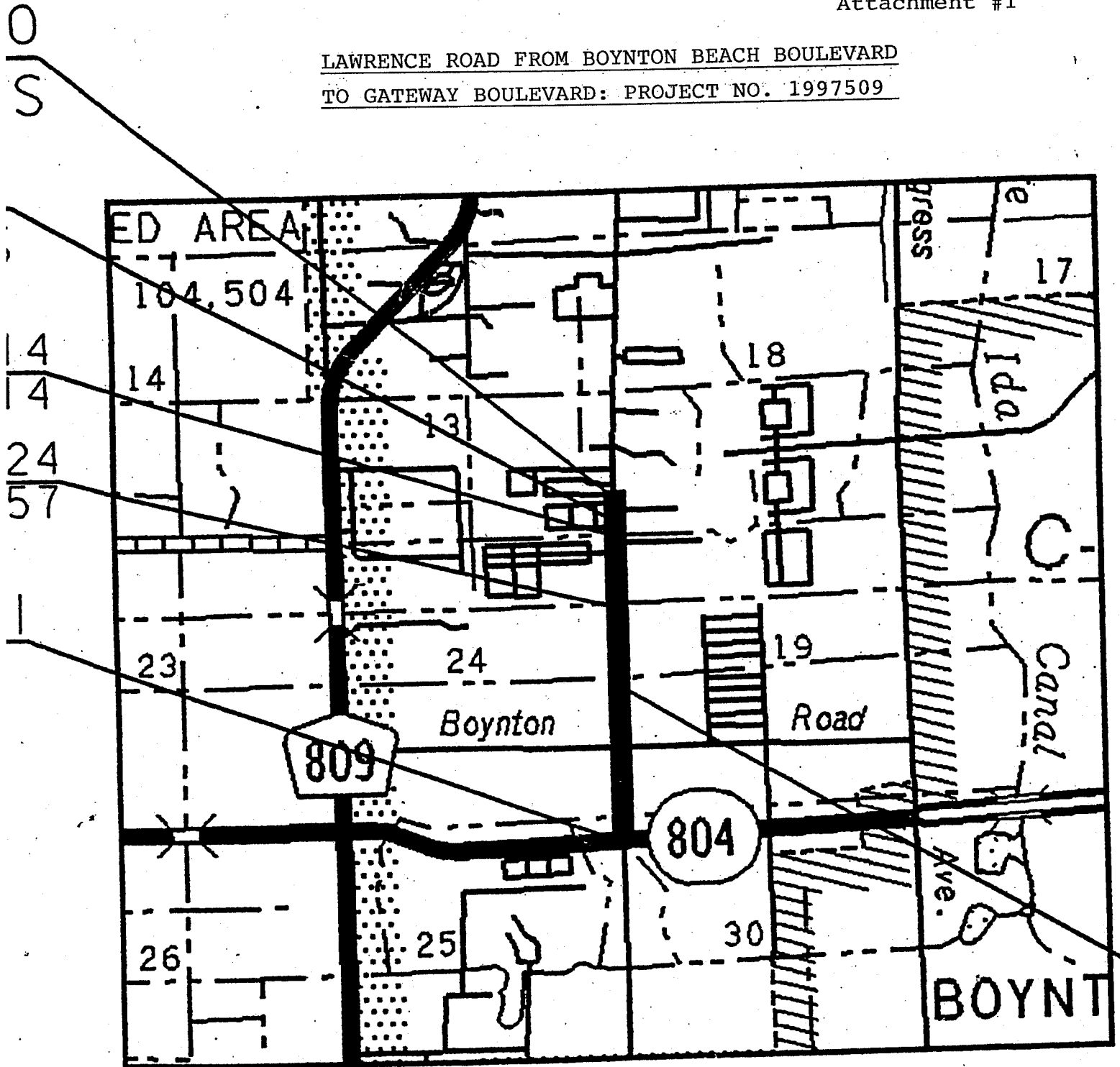
This item complies with current
County policies.

C. Other Department Review:

Department Director

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

LAWRENCE ROAD FROM BOYNTON BEACH BOULEVARD
TO GATEWAY BOULEVARD: PROJECT NO. 1997509



CHANGE ORDER

ORIGINAL

Attachment #2

Ch
9/17/07

☐ 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: **LAWRENCE ROAD FROM BOYNTON BEACH**
(Name) **BOULEVARD TO GATEWAY BOULEVARD**
TO:
(Contractor) **Bergeron Land Development, Inc.**

CHANGE ORDER NO: 10 (ten)
COUNTY PROJECT NO: 1997509
CONTRACT DATE: 08/16/05
RESOLUTION NO: R2005-1438
DISTRICT NO: 3

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

Compensation for additional costs and delays due to maintenance of temporary traffic control and demobilization of a portion of existing bridge at LWDD L-22 Canal – Lump Sum

\$ 18,166.90

The original Contract Sum was.	\$5,030,578.15
Net change by previous Change Orders.	\$ 80,061.07
The Contract Sum prior to this Change Order was	\$5,110,639.22
The Contract Sum will be increased by this Change Order	\$ 18,166.90
The new Contract Sum including this Change Order will be .	\$5,128,806.12
The Contract Time will be increased by .	(88) Days
The Date of Completion as of the date of this Change Order therefore is	March 8, 2007

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

ATTEST: Sharon R. Bock,
Clerk & Comptroller

Bergeron Land Development, Inc.

CONTRACTOR

11440 Okeechobee Blvd., Suite 207

Address

Royal Palm Beach, FL 33411

BY

DATE 9/17/07

P.B.Co. Board of County Commissioners

OWNER

P. O. Box 21229

Address

West Palm Beach, FL 33416-1229

BY

DATE

Approved as to Form and Legal Sufficiency:

(Deputy Clerk) Date

(County Attorney)

BERGERON

LAND DEVELOPMENT, INC.

1

Main Office
19612 S.W. 69 Place
Fort Lauderdale, FL 33332
Office Phone (954) 680-6100
Engineering (954) 680-0666 - Fax
Accounting (954-680-3737 - Fax

Royal Palm Beach Office
11440 Okeechobee Blvd.
Royal Palm Beach, FL 33411
Office Phone (561) 795-9147
(561) 795-8717
Office Fax (561) 795-8837

September 4, 2007

Mr. Ellis Ross
Palm Beach County
Engineering & Public Works
Construction Coordination
P.O. Box 21229
West Palm Beach, Florida 33416

Reference: Lawrence Road
Project No. 1997509
BLD Job # 524

Dear Ellis;

The purpose of this letter is to request additional compensation due to demolition of the L-22 bridge being delayed.

During an on site, pre-inspection visit for the Phase 1 of the M.O.T., and after construction of the Project had begun, it was discovered that the existing bridge did not provide enough substructure support to accommodate the required maintenance of one lane of traffic in each direction in order to allow the removal of the west portion of the bridge.

While options were discussed and evaluated, delays to removal were caused and the work schedule and subcontractors mobilizations were revised. We were not able to quantify the amount or cost of delays at that time, although after all items of work were completed and the effects of the delay documented, it was determined that 88 days were associated with the L-22 Bridge demolition, causing an additional 88 days of M.O.T. required. Associated costs for overhead to this delay amounted to \$18,166.90.

The attached sheet details this cost.

If you have any questions please feel free to call me at 954-275-1029 or my Royal Palm office.

Sincerely,


Tom Castano
Bergeron Land Development

BERGERON LAND DEVELOPMENT, INC.
Palm Beach County - Lawrence Road Project
County Project No. 1997509

CHANGE ORDER PROPOSAL

Daily Costs for the Extended Period of Performance, L-22 Canal Bridge Design Delay

[illegible]



**Department of Engineering
and Public Works**

P.O. Box 21229
West Palm Beach, FL 33416-1229
(561) 684-4000
www.pbcgov.com

**Palm Beach County
Board of County
Commissioners**

Addie L. Greene, Chairperson

Jeff Koons, Vice Chair

Karen T. Marcus

Warren H. Newell

Mary McCarty

Burt Aaronson

Jess R. Santamaria

County Administrator

Robert Weisman

INTER-OFFICE COMMUNICATION

DATE: September 7, 2007

TO: *ELR*
Ellis L. Ross, Director
Construction Coordination

FROM: William R. Sears, P.E.
Roadway Production Division *WRS*

RE: LAWRENCE ROAD
FROM BOYNTON BEACH BLVD TO GATEWAY
BLVD. – PBC Proj. #1997509
Contractor's Claim for Additional Compensation
L_22 Bridge MOT

We have reviewed the information supplied by the Contractor in relation to the above claim, and agree that the amount itemized is proper for the delay caused in removing and replacing this structure.

Please process the Change Order as necessary.

WRS:ws

ec: Omelio A. Fernandez, P.E., Director, Eng. & Public Works
Morton Rose, P.E., 5 Year Road Program Manager

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RECEIVED
SEP 10 2007

CHANGE ORDER HISTORY

PALM BEACH COUNTY PROJECT LAWRENCE ROAD FROM BOYNTON BEACH BOULEVARD TO GATEWAY BOULEVARD; PROJECT NO. 1997509

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	1/11/2006			0.00	9				
2	3/17/2006	4,500.00	0						
3	4/27/2006	7,107.00	0						
4	9/12/2006	2,897.25	0						
5	1/31/2007	0.00	16						
6	2/5/2007	33,573.00	7						
7	7/16/2007	12,503.76	0						
8	7/19/2007	14,470.13	0						
9	8/17/2007	5,009.93	0						
	TOTAL	80,061.07	23	0.00	9	80,061.07	32		
	CUMULATIVE TOTAL	80,061.07	23	0.00	9	80,061.07	32		
		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		

SCHEDULE 1

LIST OF PROPOSED SBE-M/WBE SUBCONTRACTORS

PROJECT NAME: Lawrence Road from Brynton Beach Blvd. to Gateway PROJECT NO. 1997509
NAME OF PRIME BIDDER: Bergeron Land Development
CONTACT PERSON: Geoff Waite PHONE NO: 954-680-6100 FAX NO: 954-252-8064
BID DATE: 6/7/05 DEPARTMENT: Engineering

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.	<input type="checkbox"/>	<input type="checkbox"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
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	\$ _____	\$ _____	\$ _____	\$ _____

Total Bid Price \$ 18,166.90 Total Value of SBE Participation \$ — 0.00

- 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.

**INTEROFFICE COMMUNICATION
PALM BEACH COUNTY
BUDGET AVAILABILITY STATEMENT**

DATE: September 14, 2007

TO: Ellis Ross, Director
Construction Coordination
Attn: Eileen Ulsen

FROM: R. D. Ward, Fiscal Manager *RDW*
Administrative Services

RE: Lawrence Rd/Boynton Bch Blvd to Gateway Blvd
Project # 1997509
Bergeron Land Development, Inc
Change Order # 10 \$18,166.90

BOARD MEETING DATE: November 20, 2007

FISCAL IMPACT LOCATION: F:\COMMON\WP\AgendaPage2\ 000431-08,

FUNDING STATUS: FULLY FUNDED

Is Item Included in Current Budget? Yes X No

Budget Account No:

Fund 3504 Dept 361 Unit 0651 Object 6551

Recommended Sources of Funds/Summary of Fiscal Impact:

Road Impact Fee Fund - Zone 4

Lawrence Rd/Boynton Bch Blvd to Gateway Blvd

Change Order # 10 \$18,166.90
PO CSEP082505-49

This BAS is valid for up to ninety days from its date of issuance.
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