

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: February 5, 2008

☒ Consent

☐ Regular

☐ Workshop

☐ Public Hearing

Department: **Facilities Development and Operations**

**I. EXECUTIVE BRIEF**

**Motion and Title: Staff recommends motion to approve:** Change Order No. 5 to the contract with Rio-Bak Corporation (R2006-27~~22~~) for a 79 day time extension for the Riverbend Park Bridge over the Loxahatchee River project.

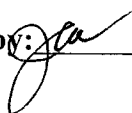
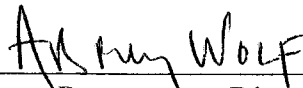
**Summary:** Change Order No. 5 provides for time delays for weather (14 days) and stone fascia acquisition (65 days). The stone selection process was extended due to the logistics of mining the samples, shipping, and preparing mock-ups. The process was repeated four times until a satisfactory selection was made. Change Order No. 5 must be approved by the Board as the extra days requested exceeds the cumulative limits of the Department Director and Contract Review Committee. (Capital Improvements Division) District 1 (JM)

**Background and Justification:** On December 19, 2006, the Board approved a contract for the construction of a bridge over the Loxahatchee River in the amount of \$1,617,147. A Notice to Proceed was issued on January 8, 2007. Delays have affected the project resulting in a cumulative delay over the 90 day Department Director and Contract Review Committee limit. Weather delayed the project by 14 days and 65 days were lost due to an extended period in selecting the stone fascia for the bridge.

**Attachments:**

1. Location Map
2. Change Order No. 5

Recommended by:

Department Director

1/14/08

Date

Approved by:



County Administrator

1/14/08

Date

## II. FISCAL IMPACT ANALYSIS

### A. Five Year Summary of Fiscal Impact:

Fiscal Years	2008	2009	2010	2011	2012
Capital Expenditures	\$ _____	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	_____	_____	_____	_____
NET FISCAL IMPACT	\$ _____	_____	_____	_____	_____

# ADDITIONAL FTE

POSITIONS (Cumulative) \_\_\_\_\_

Is Item Included in Current Budget? Yes \_\_\_\_\_ No \_\_\_\_\_  
Budget Account No: Fund \_\_\_\_\_ Dept \_\_\_\_\_ Unit \_\_\_\_\_ Object \_\_\_\_\_  
Reporting Category \_\_\_\_\_

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

## III. REVIEW COMMENTS:

### A. OFMB Fiscal and/or Contract Development and Control Comments:

*No additional fiscal impact*

*Jim Dahl 1-22-08*  
\_\_\_\_\_  
OFMB  
*11/22/08 CN 11/17/08*

*Jim J. Jacoby 1/23/08*  
\_\_\_\_\_  
Contract Administrator  
*1/23/08*

### B. Legal Sufficiency:

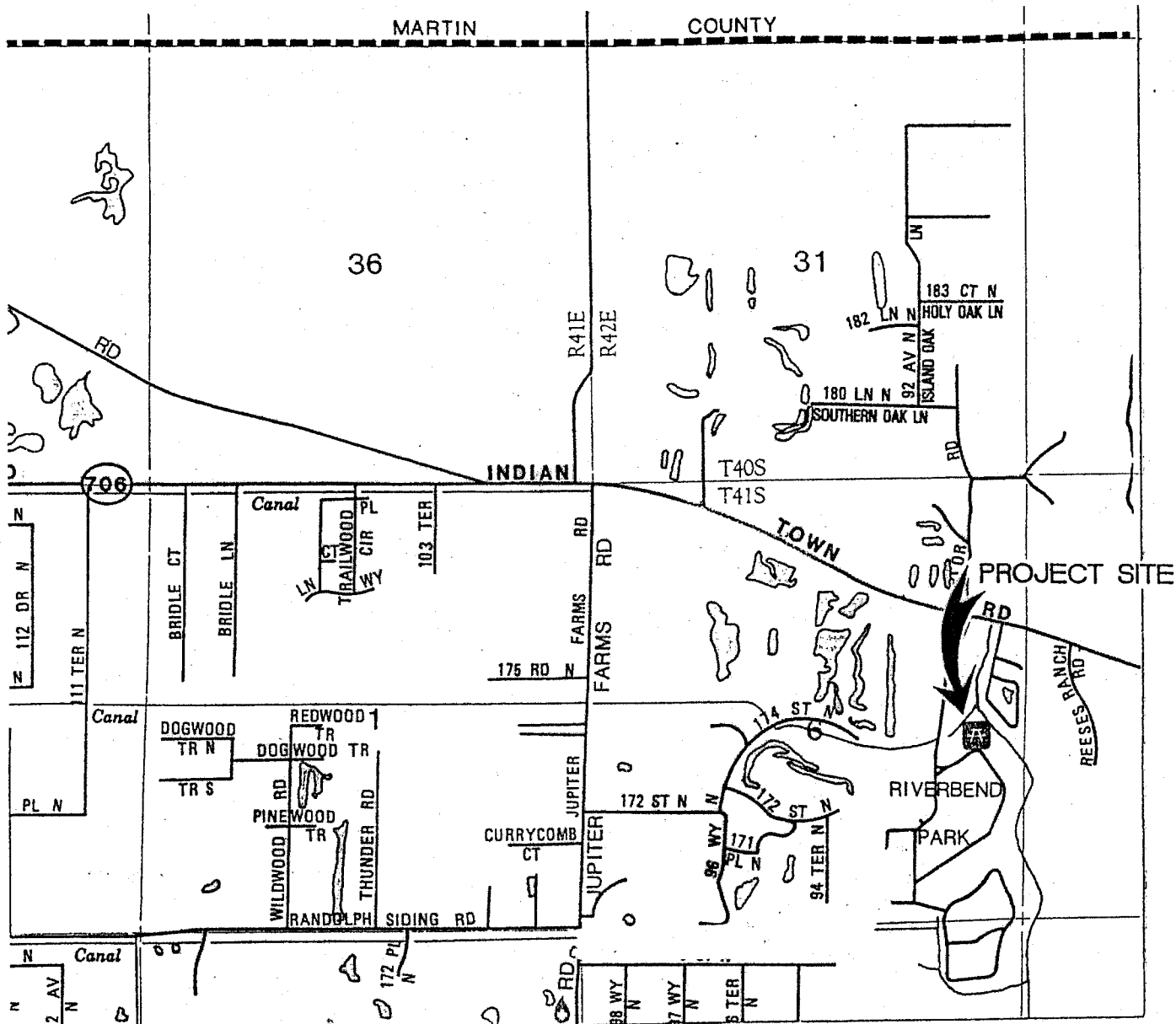
**This item complies with current  
County policies.**

*James E. Meyer 1/23/08*  
\_\_\_\_\_  
Assistant County Attorney

### C. Other Department Review:

*Dennis Eshleman*  
\_\_\_\_\_  
Dennis Eshleman, Director  
Parks & Recreation

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



# LOCATION MAP

**CHANGE ORDER BRIEF**  
**RIVERBEND PARK -BRIDGE OVER THE LOXAHATCHEE RIVER**  
**PROJECT NO. 94349**  
**DATE: JANUARY 3, 2008**

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Prime Contractor ..... Rio Bak Corporation

Change Order No. .... 5

Change Order Amount .....\$0.00

Changed Contract Time ..... 79 calendar days

Description of CCP's:

1. CCP #07: Extend Contract completion date by 79 calender days .....\$0.00/79 days

Explanation and Reason-for-Change Code:

1. CCP #07: (D/X) The work associated with this Contract was scheduled to take place during the dry months of the year. Delays to the schedule were a result of stone selection and weather delays.

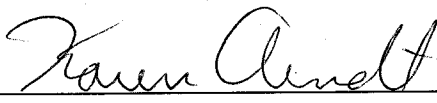
Reason-for-change codes

D = Differing Site Conditions  
E = Errors/Omissions in Design  
O = Owner-Initiated  
Q = Quantity Adjustments

R = Request by another Agency/Outside Party  
X = Other (Specify: (stone selection )  
Z = Zoning/Code/Ordinance Change

Estimated premium value of errors/omissions for this change order: \$000

SUBMITTED:

 1/11/08  
\_\_\_\_\_  
Karen Arndt Date  
Project Manager, Capital Improvements Division

**CHANGE ORDER HISTORY**  
**RIVERBEND PARK- BRIDGE OVER THE LOXAHATCHEE RIVER**  
**PROJECT NO. 94349**

CO #	DESCRIPTION	DATE APPROVED	AMOUNT APPROVED BY DIR	AMOUNT APPROVED BY CRC	AMOUNT APPROVED BY BCC	DAYS APPROVED BY DIR	DAYS APPROVED BY CRC	DAYS APPROVED BY BCC	CODE
Change Order #1	CCP # 1	06/05/07	\$6,365.00			0			
Change Order #2	CCP #2 & 3	08/01/07		\$20,427.00		0	89		
Change Order #3	CCP #4	09/12/07	\$3,000.00			0			
Change Order #4	CCP #5: Remove the rip-rap from the wetland berm and provide additional erosion control. CCP #6: Provide and install additional drainage culvert, relocate rip-rap & re-grade. Additional 10 days.	Pending	\$16,790.00			10			Requested by another Agency  Owner-initiated
Change Order #5	CCP #7: Extension of Contract 79 calender days.	Pending						79	Differing site Conditions/Other

TOTAL \$ BY DIR	TOTAL \$ BY CRC	TOTAL \$ BY BCC	TOTAL DAYS BY DIR	TOTAL DAYS BY CRC	TOTAL DAYS BY BCC
\$26,155.00	\$20,427.00	\$0.00	10	89	79
DIR + CRC DOLLARS TO DATE			DIR+ CRC TOTAL DAYS TO DATE		
\$46,582.00			178		



January 3, 2008

Mrs. Karen Arndt, Project Manager  
Palm Beach County CID, FD&O  
2633 Vista Parkway  
West Palm Beach, FL 33411

**Re: Riverbend Park – Bridge over Loxahatchee River**  
**Palm Beach County, Florida**  
Palm Beach County Project No. 94349 - Miller Legg Project No. 06-00155

**Engineer's Recommendation for Construction Change Proposal No. 7**

Dear Karen,

The following is the Engineer's recommendation regarding Construction Change Proposals (CCP) No. 7 provided by Rio-Bac Corporation:

The proposal is being requested for the extension of the contract time to 79 days due to rain delays and the stone selection.

We recommend the requested 79 day extension associated with this work.

Please contact me should you have any questions concerning this recommendation.

Sincerely,

A handwritten signature in black ink, appearing to be "CJ Holmes", written over a horizontal line.

Chris J. Holmes, P.E.

Attachments: Rio-Bac Corporation CCP No.7

**IMPROVING COMMUNITIES. CREATING ENVIRONMENTS.**

Palm Beach Office: 2005 Vista Parkway • Suite 100 • West Palm Beach, Florida • 33411-2719  
(561) 689-1138 • Fax: (561) 689-8108  
[www.millerlegg.com](http://www.millerlegg.com)

## PALM BEACH COUNTY

## CHANGE ORDER

ISSUED TO: Rio-Bak Corporation  
12773 Forest Hill Boulevard, Suite 210  
Wellington, Florida 33414

CHANGE ORDER NO.: 5

REFERENCE CCP NO.: 07

PROJECT: Riverbend Park - Bridge over the  
Loxahatchee River

RESOLUTION NO.: R2006-2702

PROJECT NO. 94349

DISTRICT NO.: 1

The completion date, contract price, and all terms, covenants, and conditions of the above referenced contract, except as duly modified by this and previous Change Orders, if any, shall remain in full force and effect.

## DESCRIPTION OF CHANGE:

1. CCP #07: Extension of Contract substantial Completion date by 79 calender days ..... \$0.00/79 days

## CONTRACT PRICE

Original Contract Price: \$ 1,617,147.00  
C.O.# 1 through 4 \$ 46,582.00  
This C.O. # 5: \$ 0.00  
ADJUSTED Contract Price: \$ 1,663,729.00

## COMPLETION DATE

Contract Completion Date will be (increased) (~~decreased~~)  
by 79 calendar days.

Contract Notice To Proceed Date: January 8, 2007


Contract Substantial Completion Date: November 12, 2007

ADJUSTED Substantial Completion Date: January 30, 2008

## CONTRACTOR

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.


The above changes are accepted:

  
Rio-Bak Corporation

By: **ROBERT E BROXTON**  
**CORP. SECRETARY**  
Title: \_\_\_\_\_ Date: **JAN 11 2008**

## DESIGN PROFESSIONAL


The above changes are recommended for approval by the Owner:


  
Miller-Legg

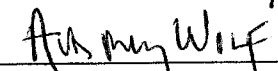
By: **CHRIS HOLMES**  
Title: **Pm** Date: **1/11/08**

## PALM BEACH COUNTY

Recommended By:

By:   
Title: Project Manager Date: **1/11/08**

By:   
Title: Director - CID Date: **1/11/08**

By:   
Title: Director - FD&O Date: **1/11/08**

By: \_\_\_\_\_  
Legal Sufficiency - CAO Date: \_\_\_\_\_

Approved By:

By: \_\_\_\_\_  
Addie L. Greene  
Title: Chairperson, BCC Date: \_\_\_\_\_

H:\WPDATA\94349.Riverbend Park Bridge\Change Order 5.wpd  
Revised 3/21/01

PALM BEACH COUNTY

FIELD BULLETIN (FB)

TO: Rio-Bak Corporation  
12773 W. Forest Hill Blvd.  
Suite 210  
Wellington, Florida 33414

ATTENTION: Bob Broxton

REFERENCE: Construction Time Delay

FB NUMBER: #10

DATE: January 2, 2008

PROJECT NAME: Riverbend Park Bridge over the  
Loxahatchee River

PROJECT NUMBER: PBC #94349 , ML #06-00155

CONTRACT NUMBER:

THIS BULLETIN IS NOT A CHANGE IN THE ABOVE CONTRACT NOR AN AUTHORIZATION TO THE CONTRACTOR TO PERFORM WORK, OTHER THAN CONTRACT WORK, OR TO STOP OR SUSPEND WORK UNLESS SPECIFICALLY AUTHORIZED BY THIS BULLETIN. However, it covers certain PROPOSED MODIFICATIONS to the work covered by said contract.

CAUSE: Construction Delay

DESCRIPTION: Please provide a CCP to document the total delay in construction due to rain and the stone selection.

NOTE: The Contractor shall submit, within 7 days of receipt of this Bulletin, a CONSTRUCTION CHANGE PROPOSAL # 7 , in detailed form, for the above referenced project.

ORIGINATOR: Chris Holmes

FIRM: Miller Legg

SIGNATURE:

DATE:

1/2/08

REMARKS:

DISTRIBUTION: Karen Arndt - PBC CID  
Gerald Kielty - PBC CID

G:\CID\Forms\CONTRACTOR FORMS\field documents\Field Bulletin.WPD



PALM BEACH COUNTY

CONSTRUCTION CHANGE PROPOSAL (CCP)

TO: Palm Beach County Capital Improvements Division  
c/o Miller Legg  
ATTENTION: Ed Grady

CCP NUMBER: 07

DATE: 1/3/08

REFERENCE: Additional Time

PROJECT NAME: Riverbend Park Bridge

PROJECT NUMBER: 94349

CONTRACT NUMBER: R2006 2722

Additional time is requested per attached letters regarding stone selection (65 days) and rain delays (14 days).  
Except as modified below, the original contract and all prior amendments shall remain in full force and effect.

PROPOSED CONTRACT PRICE CHANGE (increases) \$0

PROPOSED CONTRACT TIME CHANGE (increase) 79 days

PROPOSED NEW SUBSTANTIAL COMPLETION 1/31/08

FROM: Rio-Bak Corporation  
(CONTRACTOR)

DISTRIBUTION:

SIGNED: Robert E. Broxton  
DATE: 1/03/08

# RIO-BAK CORPORATION

12773 Forest Hill Blvd. Suite 210  
Wellington, FL 33414  
PH (561) 791-9721  
FAX (561) 791-9734  
CGC 010755

DATE: 10/24/07 (1402/Fax/M-L Fax 24stonedelay.doc)  
TO: Miller Legg & Associates, Inc.  
ATTN: Ed Grady PH 312-9859  
Chris Holmes PH 689-1138  
  
FROM: Bob Broxton  
  
RE: Riverbend Park - Bridge over the Loxahatchee River  
PBC Project No. 94349 Contract No. R2006 2722 Account No. 3601-581-P464-6506

We have been delayed with our progress on the Riverbend Park Bridge project due to the material selection process for the Stone Fascia and grout. This project specified a very unique material that is only mined in Connecticut. As a result, the stone fascia selection process took a very long time. The stone material comes from natural geological formations which produces various colors and textures with limited predictability. The method of mining and required sizes compounded the variations of options. After many samples were shipped and reviewed, more questions and options evolved. After the stone was selected, a mock up to select a grout color was prepared for review. We were notified of the final selection of stone on 9/20/07, or about 9 months after the first samples were furnished at our Pre-construction meeting.

As a result of the latest projected stone delivery dates, we are claiming the delay time of 65 days for the stone selection process which has slowed down our work progress on the critical path. The estimated completion dates for the remaining activities are as follows.

Sod	10/31/07
Plantings in Berm / Bridge Rip-Rap	11/27/07
Stone Fascia	12/17/07
2 <sup>nd</sup> Lift of Asphalt / Striping	12/26/07
Wood Rail	1/7/08
Substantial Completion & Inspection	1/7/08
Final Acceptance	2/7/08

CC: Karen Arndt PH 233-0282 FX 233-0270  
Jerry Kielty PH 758-8507

# RIO-BAK CORPORATION

12773 Forest Hill Blvd. Suite 210  
Wellington, FL 33414  
PH (561) 791-9721  
FAX (561) 791-9734  
CGC 010755

DATE: 10/24/07 (1402/Fax/M-L Fax 23rain.doc)  
TO: Miller Legg & Associates, Inc.  
ATTN: Ed Grady PH 312-9859  
Chris Holmes PH 689-1138

FROM: Bob Broxton

RE: Riverbend Park - Bridge over the Loxahatchee River  
PBC Project No. 94349 Contract No. R2006 2722 Account No. 3601-581-P464-6506

We have been delayed with our progress on the Riverbend Park Bridge project due to severe rain and flooding. We are claiming the following 14 days as delay time, which include the 4 days previously claimed on 7/6/07 (rain delay on 6/28/07, 7/2/07, 7/3/07, and 7/6/07).

DATE	RAIN (in.)
Thursday 6/28/07	2.88
Monday 7/2/07	0.70
Tuesday 7/3/07	0.99
Friday 7/6/07	1.10
Tuesday 7/24/07	1.66
Friday 7/27/07	0.66
Tuesday 7/31/07	0.29
Wednesday 8/1/07	1.05
Friday 8/3/07	0.74
Tuesday 8/14/07	0.48
Saturday 9/22/07	1.33
Monday 9/24/07	0.51
Tuesday 9/25/07	0.95
Wednesday 9/26/07	2.17

The original schedule submitted provided an allowance for 6 weather-delay days and was based on a Substantial Completion date of 8/5/07. Since the project was delayed 3 months for permits, our construction operations have been pushed into the South Florida "rainy season" and this has created a more dramatic impact on the schedule. Based on the original bid and contract duration, a large portion of our work would have been completed in February, March, and April (averaging 3.42 inches of rain per month). The Excavation Permit delay prohibited work during this time and moved it to the months of August, September and October (averaging 6.93 inches of rain per month), which normally have much more rain. As a result, we are claiming the above rain days which has slowed down our work progress on the critical path.

CC: Karen Arndt PH 233-0282 FX 233-0270  
Jerry Kielty PH 758-8507

SCHEDULE 1  
LIST OF PROPOSED M/WBE SUBCONTRACTORS  
CHANGE ORDER WORK

PROJECT NAME: Riverbend Park Bridge over the Loxahatchee River

PROJECT NO.: 94349

NAME OF GENERAL CONTRACTOR: Rio-Bak Corporation

CONTACT PERSON: Bob Broxton

PHONE NO: 791-9721

CCP #: 07

Name, Address and Phone Number of M/WBE	Type of Work To Be Performed	Subcontract Amount			
		Black	Hispanic	Women	Other (Please Specify)
1.		\$	\$	\$	\$
2.		\$	\$	\$	\$
3.		\$	\$	\$	\$
4.		\$	\$	\$	\$
5.		\$	\$	\$	\$
6.		\$	\$	\$	\$
7.		\$	\$	\$	\$

Change Order Price \$ 0.00

Total Value of SBE Participation \$ -0-

M/WBE Participation % -0-