

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA ITEM SUMMARY

Meeting Date:	November 18, 2008	(X) Consent	() Regular
		() Workshop	() Public Hearing

Department

Submitted By: Environmental Resources Management
Submitted For: Environmental Resources Management

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Change Order No. 10 decreasing the construction Contract (R2007-1139) with American Earth Movers, Inc. (AEM) in the amount of \$91,588 for quantity under runs on the Chain of Lakes Restoration Project No. 2007907.

Summary: On July 10, 2007, the Board approved a Contract (R2007-1139) with AEM in the amount of \$2,051,292 to construct an environmental restoration and enhancement project along the west side of Lake Osborne within John Prince Park in Lake Worth. Eight (8) change orders totaling \$543,425.02 have been issued or are pending Lead Department or Contract Review Committee (CRC) review and approval. Change Order No. 10 must be approved by the Board because it, combined with previous change orders, exceeds the combined authority of CRC and the Lead Department.

This Change Order reduces material excavated/hailed/stockpiled from 105,463 cubic yards to 92,379 cubic yards. There is no change in Contract time. The revised Contract amount with this Change Order is \$2,503,129.02. The Small Business Enterprise (SBE) participation on this Change Order is 0%. AEM's cumulative SBE participation, including this change order is 13.92%. District 3 (JM)

Background and Justification: Based on ERM's analysis of the pre- and post-survey information submitted by AEM's surveyor, the material that the contractor excavated and hauled/stockpiled was 92,379 cubic yards, a reduction of 13,084 cubic yards, from the original contracted amount of 105,463 cubic yards. Change Order No. 10 is the final Change Order for this Contract, which was completed on May 14, 2008.

The original Contract was funded by Parks & Recreation Department Impact Fees for \$1,300,000, the Florida Department of Environmental Protection Grant Agreement LP6077 (R2006-0579) for \$800,000 and the Florida Fish and Wildlife Conservation Commission Grant Agreement 06186 (R2007-1141) for \$400,000.

Attachment:

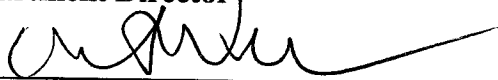
1. Change Order No. 10

Recommended by:


Department Director

10-27-08
Date

Approved by:


County Administrator

11/5/08
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	<\$91,588.00>	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<\$91,588.00>	_____	_____	_____	_____

ADDITIONAL FTE
POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes X No _____
 Budget Account No.: Fund 3000 Department 381 Org. M050 Object 6504
 Program _____

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

Freshwater Lake Improvement - \$25M Recreation & Cultural 1999 Bond Fund

C. Department Fiscal Review: *JH*

III. REVIEW COMMENTS

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

actwillhite 10-31-08
 OFMB *10/30/08* *cn 10/29/08* *10/31/08* *JH*
 Contract Development and Control

B. Legal Sufficiency:
James C. Meyer *11/3/08*
 Assistant County Attorney

This amendment complies with our review requirements.

C. Other Department Review:

 Department Director

C H A N G E O R D E R

- | | |
|--|---|
| <input type="checkbox"/> Owner Initiated | <input checked="" type="checkbox"/> Quantity Overruns/Underruns |
| <input type="checkbox"/> Differing Site Conditions | <input type="checkbox"/> Request By Another Agency/Outside Party |
| <input type="checkbox"/> Zoning/Code/Ordinance Changes | <input type="checkbox"/> A. Reimbursable <input type="checkbox"/> B. Non-Reimbursable |
| <input checked="" type="checkbox"/> Errors/Omissions/In Design | <input type="checkbox"/> Other |

**PROJECT: PALM BEACH COUNTY
CHAIN OF LAKES RESTORATION**

**CHANGE ORDER NO: 10
COUNTY PROJECT NO: 2007907
CONTRACT DATE: 07/10/07
NOTICE TO PROCEED: 08/07/07
BUDGET LINE ITEM: 3602-581-P617-6504-09
RESOLUTION NO: R2007 - 1139
DISTRICT NO: 3**

TO: AMERICAN EARTH MOVERS, INC.

You are directed to make the following change(s) to this Contract:

BID ITEM 14 Revise bid item to include reduction of excavated/hailed/stockpiled material to 92,379 cubic yards.

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

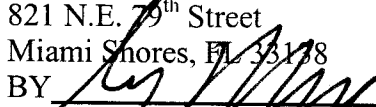
BID ITEM 14 Excavate/Haul/Stockpile: Credit will be given for costs associated with or incidental to the reduction of material excavated/hailed/stockpiled from 105,463 cubic yards to 92,379 cubic yards. The total cost change for reduction in work is \$91,588.00. Decrease the total Bid Item price from \$738,241.00 to \$646,653.00.

NOT VALID UNTIL SIGNED BY COUNTY. SIGNATURE OF THE CONTRACTOR INDICATES HIS AGREEMENT HEREWITH INCLUDING ANY ADJUSTMENT IN THE CONTRACT SUM OR CONTRACT TIME, AND NO ADDITIONAL COST OR TIME INDICATED HEREIN WILL BE RELATED TO THIS CHANGE

The original Contract sum was	\$2,051,292.00
Net change by previous Change Orders	\$ 543,425.02
The Contract Sum prior to this Change Order was	\$ 2,594,717.02
The Contract Sum will be DECREASED by this Change Order	\$ -91,588.00
The new Contract Sum including this Change Order will be	\$2,503,129.02
The Contract Time for the contract will be increased by	(0) DAYS
The Contracted Date of Substantial Completion including this Change Order	May 23 2008
The Actual Date of Substantial Completion	May 14, 2008

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.

CONTRACTOR
American Earth Movers, Inc.
821 N.E. 79th Street
Miami Shores, FL 33138

BY 
Print Name, Title: George Munne, President

OWNER
**Palm Beach County
Board of County Commissioners**


BY _____
~~XXXXXXXXXXXXXXXXXXXX~~
Chair

ATTEST:
Sharon R. Bock, Clerk & Comptroller
BY _____
Deputy Clerk

Approved as to Form and Legal Sufficiency

Chief Assistant County Attorney

Approved as to Terms and Conditions:


Richard E. Walesky, Director, ERM

SCHEDULE 1

LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTORS

PROJECT NAME: Chain of Lakes Restoration Project

PROJECT NO.: 2007907; R2007-1134; CHANGE ORDER NO. 10

NAME OF PRIME BIDDER: American Earth Movers, Inc.

ADDRESS 821 NE 79th Street, Miami Shores, FL 33131

CONTACT PERSON: George Manne, President

PHONE NO: 305-865-6952 FAX NO: 305-867-5050

BID OPENING DATE: July 10, 2007

DEPARTMENT: PBC/Department of Environmental Resources Management

PLEASE IDENTIFY ALL APPLICABLE CATEGORIES OF PRIME AND/OR SUBCONTRACTORS

Name, Address and Phone Number	(Check one or both Categories)		Subcontract Amount				
	Minority Business	Small Business	Black	Hispanic	Women	Caucasian	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"/>	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____
(Please use additional sheets if necessary)		Total	\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

Total Bid Price \$ 91,588.00

Total Value of SBE Participation \$ _____

- NOTE: 1. The amounts listed on this form must be supported by the Subcontractors (and, if applicable, Prime) 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 an 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.

CONTRACT HISTORY FOR
American Earth Movers, Inc.
Palm Beach County Chain of Lakes Restoration
Project # 2007907

Contract R2007-1139 dated: July 10, 2007

Original Contract
 SBE Participation: 16.80% \$344,751.00 *

Original Contract: \$2,051,292.00

AMENDMENT/ CHANGE ORDER NUMBER	TOTAL/ SBE AMOUNT	AMENDMENT & CHANGE ORDER DESCRIPTION	APPROVED BY/DATE
Amendment No. 1	0.00 0.00	Addition of grant-required terms and conditions	BCC, 7/10/07
Change Order 1	7,060.66 0.00	Removal of an additional 6' corrugated metal culvert pipe shown on the construction plan.	ERM, 3/03/08
2	0.00	Cancelled	
3	266,868.82 0.00	Modify Construction of 10' box culvert	BCC, 4/15/08
4	257,237.70 0.00	Modify Construction of 20' box culvert, and, extend culvert completion milestone 117 days. No change in total Contract Time.	BCC, 4/15/08
5	119,218.18 0.00	Construct & remove temporary by-pass roads; one by small box culvert and one by large box culvert	BCC, 4/15/08
6	0.00 0.00	Various no-cost specification revisions	ERM
7	(56,929.34) (16,538.00)	Credit for reduction of leather fern, substitutions, and deletion of Planting Areas B5, A12, A13, and ½B4	CRC
8	3,969.00 3,780.00	Substitute 12" greenheart pilings with 10" Timberguard pilings; Increase length of wavefence from 392lf to 452lf	ERM
9	(54,000.00) 0.00	Credit for deletion of corrugated metal pipes	CRC
10	(91,588.00) 0.00	Credit for reduction of material excavated/hailed	BCC

*Includes \$13,860 reduction for non-SBE sub-subcontracted fees

Total \$ Changes: \$451,837.02
 Revised K \$: \$2,503,129.02
 SBE \$ Changes: -\$12,758.00
 Revised SBE K \$: \$331,993.00
 Revised SBE K %: 13.26%
 Report File Date: October 22, 2008

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