

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2009	2010	2011	2012	2013
Capital Expenditures	<u>\$296,208</u>	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	<u>\$296,208*</u>	_____	_____	_____	_____
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget? Yes _____ No x

Budget Account No.: Fund _____ Department _____ Unit _____ Object _____

Program _____

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

* Natural Areas Fund – a Non-Ad Valorem Source

C. Department Fiscal Review:

JF

III. REVIEW COMMENTS

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

and SK
 OFMB *6/1/09*
5/29/09

Ann J. Jacobson
 Contract Development and Control *6/1/09*

B. Legal Sufficiency:

This item complies with current County policies.

James C. Kelly
 Assistant County Attorney *6/12/09*

C. Other Department Review:

 Department Director

CHANGE ORDER NO.: 1

(Mark applicable category:)

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: 2008ERM07-Winding Waters Natural Area Wetland Creation

To: J.W. Cheatham, LLC

CONTRACT (R2009-0320)

COMM. DISTRICT NO.: 7

CONTRACT DATE: 02/24/09

NOTICE TO PROCEED DATE: 03/10/09

COMMENCEMENT DATE: 03/24/09

BUDGET LINE ITEM: 3900-381-E441-6504

You are directed to revise wetland grades per plan sheets dated 03/09/09 and make the following changes to this contract:

1. Add LUMP SUM Bid Item to include the following:

Load, Haul & Stockpile Mulch, 22,495 CY @ \$2.00/CY	\$44,990.00
Survey Revised Interior Island Boundary, 6 HR @ \$100/HR	\$600.00
Clear, Haul & Burn 2,200 LF of Canal Bank from the Northwest corner of the property to the EPB-9A Canal, 1 LUMP SUM	\$22,425.00
Sub-Total LUMP SUM Bid Item =	\$68,015.00

2. Increase Quantity of Line Item 5, Excavation, Stockpile Drain, Load, Haul 2,449,800 TON to 2,565,000 TON (Increase by 115,200 TON @ \$1.75/TON)	\$201,600.00
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3. Increase Quantity of Line Item 10, Hydroseed 132,800 SY to 161,705 SY (Increase by 28,905 SY @ \$0.92/SY).	\$26,592.60
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4. Extend Contract Time (additional time to haul 4,267 truckloads of material)	21 days
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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	\$ 5,195,716.00
The Contract Sum will be increased by this Change Order	\$ 296,207.60
The New Contract Sum including this Change Order will be	\$ 5,491,923.60
The Contract Time will be increased by	(21) Days
Contracted Date of Substantial Completion including this Change Order	September 7, 2010
The Date of Final Completion including this Change Order	to be specified in Punch List

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

J.W. Cheatham LLC
7396 Westport Place
West Palm Beach, FL 33413

OWNER

Palm Beach County
Board of County Commissioners

BY Thomas P. Uhrig DATE 5/15/09
Thomas P. Uhrig,
Vice President

BY _____ DATE _____
John F. Koons, Chairman

ATTEST:

Sharon R. Bock, Clerk & Comptroller

BY _____ DATE _____
Deputy Clerk

Approved as to Form and Legal Sufficiency:

BY _____ DATE _____
Chief Assistant County Attorney

Approved as to Terms and Conditions:

BY Richard E. Walesky DATE 5/21/09
Richard E. Walesky, Director, ERM

CONTRACT
R2009, 0320

THIS CONTRACT, made and entered into this _____ day of FEB 24 2009, 20___, between PALM BEACH COUNTY, a political subdivision of the State of Florida, hereinafter referred to as the "County" and J. W. Cheatham, LLC, hereinafter referred to as the "CONTRACTOR".

WITNESSETH:

That the said Contractor having been awarded the Contract for the:

Winding Waters Natural Area Wetland Creation
Project No. 2008ERM07

in accordance with the Bid therefore and for and in consideration of the promises and of the covenants and agreements, and of the payments herein specified, to be made and performed by the Contractor and the County, the Contractor hereby covenants and agrees to and with the County to undertake and execute all of the said named work, in a good, substantial and workmanlike manner, and to furnish and pay for all materials, labor, supervision, equipment, supplies, fees, expertise, and services necessary to fully complete all work in accordance with all requirements of the Contract Documents and in accordance with all applicable codes and governing regulations, within the time limit specified in the Bid Form. The Contract Documents consist of the following documents which are incorporated herein by reference.

- A - Invitation for Bid, Instructions to Bidders, Bid Form and Attachments 1 through 8
- B - Completed Bonds and Insurance Forms
- C - General Conditions, Supplemental General Conditions and Appendices A, B
- D - Technical Specifications, including Figures, Attachments and Appendices
- E - Addenda
- F - Permits
- G - Drawings/Plans

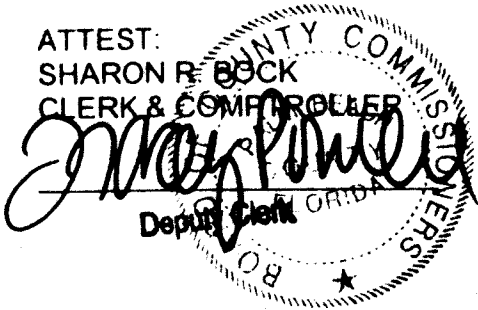
Contractor agrees to accept as full compensation for the satisfactory performance of this Contract the sum of \$ 5,195,716.00 (five million one hundred ninety five thousand seven hundred sixteen dollars and no cents). The prices named in the Bid are for the completed work and all expenses, direct or indirect, connected with the proper execution of the work and of maintaining the same until it is accepted by the Board of County Commissioners. It is understood that the Contractor holds and will maintain current appropriate certification(s) and/or license(s) for performing the specified work pursuant to this Contract. The time limit for the Substantial Completion of all work under this Contract shall be as stated in the Bid Form. The date fixing the beginning of this period upon the calendar shall be established and stated in the Notice to Proceed.

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IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida, has made and executed this Contract on behalf of the said County and caused the seal of the said County to be affixed hereto, and the Contractor has hereunto set its hand and seal the day and year written. The Contractor represents that it is authorized to execute this contract on behalf of itself and its Surety.

R 2009, 0320 FEB 24 2009

ATTEST:
SHARON R. BOCK
CLERK & COMPTROLLER



PALM BEACH COUNTY, FLORIDA, A
Political Subdivision of the State of Florida
BOARD OF COUNTY COMMISSIONERS

By:

John F. Koons
John F. Koons, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

APPROVED AS TO TERMS AND
CONDITIONS:

James M. [Signature]
Assistant County Attorney

Richard E. Walesky
Richard E. Walesky, Director
Department of Environmental Resources/Management

CONTRACTOR:

J. W. Cheatham, LLC
(Corporate Name)

a Florida Limited Liability Company
(insert state of corporation)

By: Thomas P. Uhrig
(signatory)

Thomas P. Uhrig
(print signatory's name)

Its: Vice President
(print title)

1/30, 20 09
(date of execution)

7396 Westport Place
(Contractor's Official Address)
West Palm Beach, FL 33413
(Contractor's City, State, Zip Code)
201928479
(Federal Tax No.)

[Signature]
(witness signature)
Sherry Brown
(witness name printed)

(Corporate Seal)

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**CONTRACT HISTORY FOR
J.W. Cheatham, LLC
Winding Waters Natural Area Wetland Creation
Project # 2008ERM07**

Contract Resol. No. R2009-0320

Contract Date: February 24, 2009

Original Contract SBE

Participation: 17.41%

\$904,400.00

Original Contract:

\$5,195,716.00

AMENDMENT/ CHANGE ORDER NUMBER	TOTAL/ SBE AMOUNT	AMENDMENT & CHANGE ORDER DESCRIPTION	APPROVED BY/DATE
Change Order 1	\$296,207.60	1. Add LUMP SUM Bid Item to include: Load, Haul & Stockpile Mulch, 22,495 CY (contractor to remove mulch piles that were not removed by ERM prior to the start of construction). Survey Revised Interior Island Boundary, 6 HR (contractor to adjust and survey limits of construction, limits of construction surveyed by ERM with gps equipment and provided to the contractor prior to start of construction did not match required limits of construction). Clear, Haul & Burn 2,200 LF of Canal Bank from NW corner of property to EPB-9A Canal, 1 Lump Sum (work not included in Contract, additional work requested by NRS staff) 2. Increase Quantity of Line Item 5 , Excavation, Stockpile Drain, Load, Haul to 2,565,000 TON (additional work resulting from NRS staff direction to lower site wetland grades). 3. Increase Quantity of Line Item 10 , Hydroseed to 161,705 SY (additional work requested by NRS staff to extend seed down wetland slope to bottom of wetland grade to stabilize slope prior to impounding of water to the proposed water elevation). 4. Extend Contract Time (additional time to haul 4,267 truckloads of additional material) 21 days.	
	\$0.00		

Total \$ Changes: \$296,207.60

Revised K \$: \$5,491,923.60

SBE \$ Changes: \$0.00

Revised SBE K \$: \$904,400.00

Revised SBE K %: 16.47%

Report File Date: May 13, 2009

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**SCHEDULE 1
FOR CHANGE ORDER NO. 1**

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

PROJECT NAME: Winding Waters Natural Area Wetland Creation

PROJECT NO.: 2008ERM07

NAME OF PRIME CONTRACTOR: JW Cheatham, LLC

ADDRESS 7396 Westport Place, WPB, FL 33413

CONTACT PERSON: Thomas P. Uhrig, Vice President

PHONE NO: (561) 471-4100 x 225 FAX NO: (561) 471-8348

CONTRACT AWARD DATE: February 24, 2009

DEPARTMENT: ERM

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 Change Order Price \$ 296,207.60

Total Value of SBE Participation on Change Order \$ 0.00

- 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. purposes only.



2009 - 1098

BGEX - 380- 050509*1688

BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY, FLORIDA

BUDGET TRANSFER
Fund 1226 Natural Areas Fund

ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED BUDGET	ENC/EXP 5/5/2009	REMAINING BALANCE
<u>Appropriations</u>							
380-3195 Reserves Natural Areas	9909 - Reserves Natural Areas	1,276,494	429,693	0	200,000	229,693	229,693
820-3290 Transfers	9367-Transfer to Fund 3654	0	8,254,682	200,000	0	8,454,682	8,454,682
				200,000	200,000		

Environmental Resources
Management

INITIATING DEPARTMENT/DIVISION
Administration/Budget Department Approval
OFMB Department - Posted

Signatures & Dates

Pat Hillman 5/21/09
Mike Sill 6/1/09

SW 5/29/09

BY BOARD OF COUNTY COMMISSIONERS
AT MEETING OF

June 16, 2009

Deputy Clerk to the
Board of County Commissioners

2009 - 1099

BGEX - 380 - 050509*1687
 BGRV - 380 - 050509*660

BOARD OF COUNTY COMMISSIONERS
 PALM BEACH COUNTY, FLORIDA

BUDGET AMENDMENT
Fund 3654 Environmental Capital Projects Fund

ACCOUNT NAME AND NUMBER	ORIGINAL BUDGET	CURRENT BUDGET	INCREASE	DECREASE	ADJUSTED ENCUMBERED BUDGET / Expended 5/5/2009	REMAINING BALANCE
<u>REVENUES</u>						
800-9100 Transfers 8033 Transfer from Fund 1226	0	8,254,682	200,000	0	8,454,682	
TOTAL RECEIPTS & BALANCES	0	15,521,207	200,000	0	15,721,207	
<u>EXPENDITURES</u>						
381-E433 Winding Waters Natural Area 6504- IOTB Non Infrastructure	0	5,200,000	200,000	0	5,400,000 5,195,717	204,283
TOTAL APPROPRIATIONS & EXPENDITURES	0	15,521,207	200,000	0	15,721,207	

Environmental Resources
 Management

INITIATING DEPARTMENT/DIVISION
 Administration/Budget Department Approval
 OFMB Department - Posted

Signatures & Dates

Pete Ruffini 5/21/09
[Signature] 6/11/09
[Signature] 5/29/09

BY BOARD OF COUNTY COMMISSIONERS

AT MEETING OF

June 16, 2009

Deputy Clerk to the
 Board of County Commissioners