

**PALM BEACH COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

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<b>Meeting Date:</b> November 15, 2011	<input checked="" type="checkbox"/> Consent	<input type="checkbox"/>	<b>Regular</b>
	<input type="checkbox"/> Workshop	<input type="checkbox"/>	<b>Public Hearing</b>

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**Department:**

**Submitted By:**        **Engineering and Public Works**  
**Submitted For:**      **Construction Coordination Division**

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**I. EXECUTIVE BRIEF**

**Motion and Title:** Staff recommends motion to approve: Change Order No. 1 in the amount of \$185,602.13 and a 45 day time extension to Contract No. R2011-0347 with Rosso Paving & Drainage, Inc., for the Lyons Road from north of West Atlantic Avenue to south of Boynton Beach Boulevard contract (Project).

**SUMMARY:** Approval of Change Order No. 1 will compensate for additional costs and time delays associated with the errors in the data collected by the Palm Beach County's consultant engineers/surveyors for the proposed Project as per Attachment 3. Errors and omissions against the consultant will be considered at the end of the construction. Had the survey error not been made, we would have expected the contract bid amount to be higher, since fill material would have been required. A large number of items included in the Change Order are already in the contract-thus the prices did not have then be negotiated, and we will be adjusting the quantities to reflect the actual usage.

District 5 (MRE)


**Background and Justification:** After the clearing and grubbing phase and roadway staking of the Project, it was determined that the existing ground material (dirt) needed to build Lyons Road was not present. As a result, 19,992 cubic yards of fill material had to be hauled in, placed, and compacted to reach the design elevations for this section of roadway.

**Attachments:**

1. Location Map
2. Change Order No. 1
3. Attachment A
4. Schedule 1

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<b>Recommended By:</b>	<b>Division Director</b>	<b>Date</b>
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<b>Approved By:</b>	 _____ <b>County Engineer</b>	11/2/11 _____ <b>Date</b>
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## II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	<u>\$185,603</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Operating Costs	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
External Revenues	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
Program Income (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
In-Kind Match (County)	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
NET FISCAL IMPACT	<u>\$185,603</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>	<u>-0-</u>
# ADDITIONAL FTE POSITIONS (Cumulative)	_____	_____	_____	_____	_____

Is Item Included in Current Budget?      Yes X      No

#### Budget Account No:

Fund 3505    Dept 361    Unit 1153    Object 6551

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

Road Impact Fee Fund - Zone 5

Lyons Rd/N of Atlantic Ave to S of Boynton Bch Blvd

Change Order #1  
Fiscal Impact

\$185,602.13  
\$185,602.13

### C. Departmental Fiscal Review:

Alii Kovalainen

## III. REVIEW COMMENTS

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

[Signature] 10/27/11  
OFMB  
SD 10/27/11  
10/27/11  
CEP  
10/27/11

[Signature] 10/27/11  
Contract Dev. and Control

### B. Approved as to Form and Legal Sufficiency:

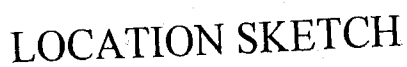
This item complies with current County policies.

[Signature] 10/31/11  
Assistant County Attorney

### C. Other Department Review:

\_\_\_\_\_  
Department Director

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



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: LYONS ROAD FROM NO. OF WEST ATLANTIC  
(Name) AVENUE TO SO. OF BOYNTON BEACH BOULEVARD  
TO:  
(Contractor) Rosso Paving & Drainage, Inc.

CHANGE ORDER NO: 1 (one)  
COUNTY PROJECT NO: 2005503  
CONTRACT DATE: 03/15/11  
RESOLUTION NO: R2011-0347  
DISTRICT NO: 5

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

Add additional material between Sta. 120+0 and Sta. 142+0 together with  
a 45-Day Time Extension. The plans reflect a cut at this location and  
As-Builts reflect errors in design survey (see Attachment "A") – Lump Sum

\$ 185,602.13

The original Contract Sum was . . . . .	\$4,869,633.90
Net change by previous Change Orders. . . . .	\$ -0-
The Contract Sum prior to this Change Order was . . . . .	\$4,869,633.90
The Contract Sum will be increased by this Change Order . . . . .	\$ 185,602.13
The new Contract Sum including this Change Order will be . . . . .	\$5,055,236.03
The Contract Time will be increased by . . . . .	( 45 ) Days
The Date of Completion as of the date of this Change Order therefore is . . . . .	July 8, 2013

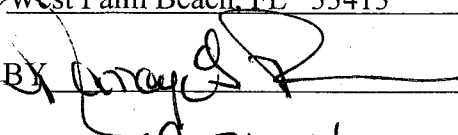
EXECUTION OF THIS CHANGE ORDER ACKNOWLEDGES FINAL SETTLEMENT OF, AND RELEASES ALL CLAIMS FOR, COSTS AND TIME ASSOCIATED, DIRECTLY OR INDIRECTLY, WITH THE ABOVE-STATED MODIFICATION(S). INCLUDING ALL CLAIMS FOR CUMULATIVE DELAYS OR DISRUPTIONS RESULTING FROM, CAUSED BY, OR INCIDENT TO, SUCH MODIFICATION(S),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

Rosso Paving & Drainage, Inc.  
CONTRACTOR  
350 Martin Lane  
Address  
West Palm Beach, FL 33413  
BY   
DATE 9-26-11

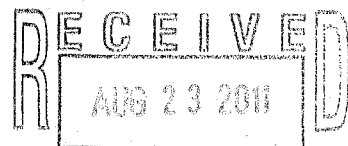
P.B.Co. Board of County Commissioners  
OWNER  
P.O. Box 21229  
Address  
West Palm Beach, FL 33416-1229  
BY  
DATE

ATTEST: Sharon R. Bock,  
Clerk & Comptroller

Approved as to Form and Legal  
Sufficiency:

(Deputy Clerk)      Date

(County Attorney)



CONSTRUCTION COORDINATION

ATTACHMENT 'A'

ATTACHMENT 3

Page 1 of 3



6/27/2011 REVISED 8/22/11

ROSSO  
Paving & Drainage Inc, Inc.  
350 Martin Lane  
West Palm Beach, Florida 33413  
Phone (561) 688-0288 Fax (561) 688-0118

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

Attn: Ellis Ross

Project Name: Lyons Rd., N. of West Atlantic  
Avenue to S. of Boynton Beach Blvd.  
Project No. 2005503  
Location: Delray Beach

**CHANGE ORDER # 1**

Item	Quantity	Unit Price	Total
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We respectfully submit the following change order for the project above.

- |  |           |         |               |
|--|-----------|---------|---------------|
| 1. Credit for material moved according to original contract. | 24,808 cy | \$ 0.85 | (\$21,086.80) |
|--|-----------|---------|---------------|

The original contract showed 24,808 cubic yards of material (summation of excavation and embankment) between stations 120+00 and 142+00. Since we are not moving this material, a credit is due at \$0.85 per square yard. (See Exhibit A for the breakdown of material moved).

- |  |           |         |              |
|--|-----------|---------|--------------|
| 2. Total Material moved per new cross sections | 19,992 cy | \$ 0.85 | \$ 16,993.20 |
|--|-----------|---------|--------------|

The new surveyed cross sections show a total of 19,992 cubic yards of material (summation of excavation and embankment) between stations 120+00 and 142+00. As this is the new quantity of material for this area, we feel that the \$0.85 per cubic yard cost should be applied here.

- |   |           |         |                |
|---|-----------|---------|----------------|
| 3. Total imported for stations 120+00 to 142+00 | 10,543 cy | \$ 7.48 | \$ 78,861.64 ✓ |
|---|-----------|---------|----------------|

The new surveyed cross-sections show a total of 8,110 cubic yards (compacted) of material will be required for this area to be brought to grade. Using the industry standard of a 30% loss in compaction we will need 10,543 cubic yards of imported material for this area at \$7.48. (see Exhibit A).

- |  |          |         |                |
|--|----------|---------|----------------|
| 4. Total imported to replace excavated material from stations 120+00 to 142+00 | 7,959 cy | \$ 7.48 | \$ 59,533.32 ✓ |
|--|----------|---------|----------------|

The original contract showed a surplus of material being generated from this area in the amount of 6,122 cubic yards. There was no surplus of material and this material was to be used elsewhere on the project. Using the industry standard of a 30% loss in compaction, the fill required to replace this material which was to be generated is 7,959 cubic yards at \$7.48. (See Exhibit A).

5. Cost to place imported material from item #4	7,959 cy	\$	0.85	\$	6,765.15
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The 7,959 cubic yards which will need to be purchased will also still have to be placed on the job site at the rate of \$0.85 per cubic yard.

6. Haul road for installation of imported material	5,333 sy	\$	3.14	\$	16,745.62 ✓
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The original contract showed a cut in the area between stations 120+00 to 142+00. Our original plan was to push the material out of the way of the proposed roadway. Then, build the road and remove the excess material, shifting it to the south to be used as embankment. We will now be forced to run dump trucks on the fill as it is moved into place. To prevent trucks from becoming stuck we will be constructing a haul road using sludge on the east side of the project beside the right of way. We considered back dumps, but this would be less cost effective as the material will have to be dumped on site, then re-loaded via backhoe and trucked into place using the back dumps.

7. Maintenance of haul road	4 wks	\$	1,000.00	\$	4,000.00 ✓
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It is our best estimate that this material can be moved into place in 20 working days. We will need to maintain the haul road for this time so it remains a sturdy, level surface to drive on.

8. Dozer used to level existing for clearing	5 dys	\$	695.00	\$	3,475.00 ✓
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The original cross-sections in this area depict a relatively flat area for equipment to be maneuvered for clearing activities. These were not the actual field conditions and the dozer will be required to level the irrigation ditch and adjacent berm in order for the clearing equipment to shift the vegetation to a location which does not hinder construction.

9. Clearing subcontractor forced to move material twice	10 dys	\$	1,287.00	\$	12,870.00 ✓
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Our clearing subcontractor originally planned on moving the vegetation from the relatively flat area to the west side of the project. Due to the discrepancy between the cross-sections and field conditions he was forced to remove the vegetation from the irrigation ditch and berm and shift it to the east. We were then able to obtain survey information and then level this area. He then took the material he shifted to the east, moved it to the west, and then continued clearing, moving everything to the west side of the project. In addition to this, there was also a second ditch found with an adjacent berm which required maneuvering equipment around and slowed down production.

10. Office Time (Engineer)	20 hrs	\$	100.00	\$	2,000.00
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Upon receiving the elevations from the surveyor, we were then able to input them into the computer and generate cross-sections. From these cross-sections we were then able to find the excavation and embankment quantities.

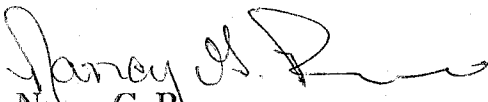
11. Survey 1 ls \$ 5,445.00 \$ 5,445.00 ✓

The surveyor's cost to provide elevations of the existing ground in this area. We will also now require one additional staking in this area as we will be adding over 1' of material throughout the majority of this area.

TOTAL: \$185,602.13 ✓

This change order will add 45 days to the contract time.

Respectfully,



Nancy G. Rosso  
President  
LEED Green Associate

# SCHEDULE 1

## LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTOR PARTICIPATION

Lyons Rd., N. of West Atlantic Ave.  
to S. of Baynton Beach Blvd.

PROJECT NAME OR BID NAME:

PROJECT NO. OR BID NO.: 2005503

NAME OF PRIME BIDDER: Rosso Paving & Drainage, Inc.

ADDRESS: 350 Martin Lane, West Palm Beach FL 33413

CONTACT PERSON: Nancy G. Rosso

PHONE NO.: (561) 688-0288 FAX NO.: (561) 688-0118

BID OPENING DATE: December 7, 2010

USER DEPARTMENT:

THIS DOCUMENT IS TO BE COMPLETED BY THE PRIME CONTRACTOR AND SUBMITTED WITH BID PACKET. PLEASE LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY ALL SBE -M/WBE SUBCONTRACTORS ON THIS PROJECT. IF THE PRIME IS AN SBE-M/WBE, PLEASE ALSO LIST THE NAME, CONTACT INFORMATION AND DOLLAR AMOUNT OR PERCENTAGE OF WORK TO BE COMPLETED BY THE PRIME ON THIS PROJECT. THE PRIME AFFIRMS THAT IT WILL MONITOR THE SBES LISTED TO ENSURE THE SBES PERFORM THE WORK WITH ITS OWN FORCES.

(Check one or both Categories)

M/WBE

SBE

Name, Address and Phone Number

Minority Business

Small Business

DOLLAR AMOUNT OR PERCENTAGE OF WORK

Black

Hispanic

Women

Caucasian

Other  
(Please Specify)

Rosso Paving & Drainage, Inc.  
350 Martin Lane  
1. West Palm Beach, FL 33413  
(561) 688-0288

☒
☒

\$ 168,952.13

2.

☐
☐

3.

☐
☐

4.

☐
☐

5.

☐
☐

(Please use additional sheets if necessary)

Total

\$ 168,952.13

CO #1  
Total Bid Price \$ 185,602.13

Total SBE-M/WBE Participation Dollar Amount or Percentage of Work

\$ 168,952.13 (91%)

I hereby certify that the above information accurate to the best of my knowledge.

Signature

Nancy G. Rosso

Title

President

Note:

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

Revised 9/7/2011

ATTACHMENT 4