Agenda Item #: 3-C-2

# PALM BEACH COUNTY **BOARD OF COUNTY COMMISSIONERS**

# AGENDA ITEM SUMMARY

Meeting Date: April 17, 2012		[X] Consent [ ] Workshop	[] Regular [] Public Hearing		
Department:					
Submitted By:	Engineering and Public Works				
Submitted For:	Construction Coordination Divisi	ion			

### I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Change Order No. 5 for a 67 day time extension with H&J Contracting, Inc. (R2010-0737) for Congress Avenue from Lantana Road to South of Melaleuca Lane (Project).

SUMMARY: Approval of Change Order No. 5 will extend the Project due to delays caused by weather and holidays. Per PPM CW-F-050, the threshold to decide approval authority must be calculated by multiplying the number of days by the daily delay charge. This total of \$204,819 puts this time extension over the threshold requiring Board approval.

District 3 (MRE)

Background and Justification: The Project is fully funded through the Florida Department of Transportation and the change order has been verbally approved by Florida Department of Transportation (DOT). This approval is in accordance with the DOT's Standard Specifications for Road and Bridge, Sections 8-6.4 and 8-7.6.3.

### Attachments:

- 1. Location Map
- 2. Change Order No. 5
- 3. Change Order No. 5 Attachment A
- 4. Change Order History

Recommended By: <u>4-5-12</u> 4/9/12 **Division Director Approved By: County Engineer** 

### II. FISCAL IMPACT ANALYSIS

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

Fiscal Years	2012	2013	2014	2015	2016
Capital Expenditures	<u>\$0-</u>	-0-	0_	-0-	· <u>-0-</u>
Operating Costs	-0-	-0-	-0-	0-	-0-
External Revenues	0	-0-	-0-	0	-0-
Program Income (County)		-0-	_0_	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-
NET FISCAL IMPACT	<u>* -0-</u>	<u>-0-</u>			<u>0-</u>
<b># ADDITIONAL FTE</b>					
POSITIONS (Cumulative)	······································	<u></u>			

Is Item Included in Current Budget? Yes No

Budget Acct No.: Fund\_\_\_\_ Dept.\_\_\_ Unit\_\_\_\_\_ Revenue Source\_ Program

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

 $\star$  NO FISCAL IMPACT - TIME EXTENSION ONLY.

C. Departmental Fiscal Review: \_\_\_

# III. REVIEW COMMENTS

Am

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

OFMB 316

B. Approved as to Form and Legal Sufficiency:

12 Assistant County Attorney

C. Other Department Review:

**Department Director** 

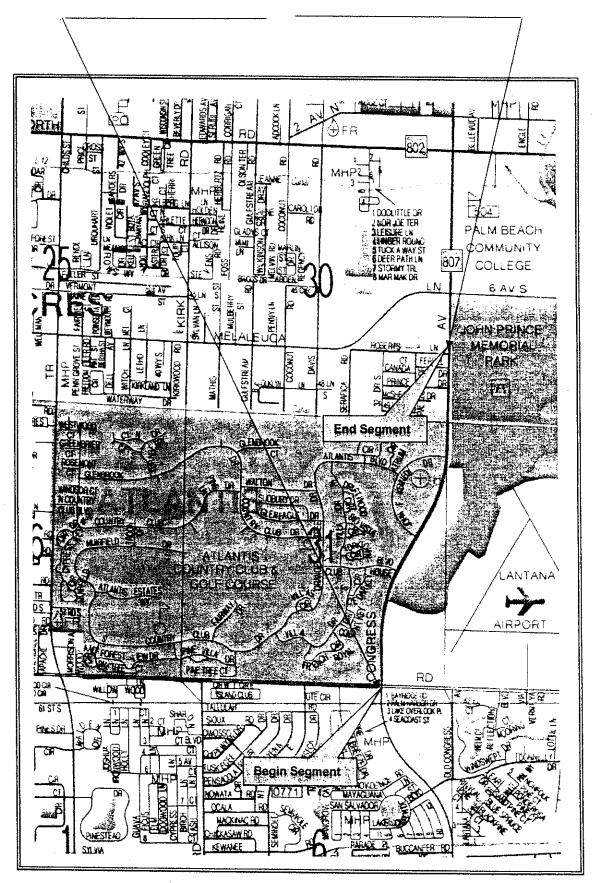
This summary is not to be used as a basis for payment. 2

H:\AGENDA ITEMS\FY 2012\CONSTRUCTION COORDINATION.DOC

1)a Sontract/Dev. and Conti Bickell 4-7-12

This item complies with current County policies.

# PROJECT LOCATION CONGRESS AVENUE LANTANA RD. TO S. OF MELALEUCA LANE PALM BEACH COUNTY PROJECT NO. 2003507 FEDERALLY FUNDED PROJECT # 229892-2-58-01



# LOCATION SKETCH

C H A N G E O R D E R				í.		ی میں 2013ء - 2014 2014ء - 2014 2014ء - 2014 2014ء - 2014					
X Owner	Initiated				Ouant	tity Ove	erruns/I	Inderror	15		
Differi	ing Site Condi	tions								de Party	
X  Owner Initiated											ole
Errors/	/Omissions/In	Design									
PROJECT:	CONGRESS	AVENUE/L	ANTANA ROA	4D		CHA	NGE O	RDER 1	NO:	5 (five)	
(Name)	TO MELAL	EUCA LANE	C							2003507	
TO:											
(Contractor)	DER  Quantity Overruns/Un    Owner Initiated  Quantity Overruns/Un    Differing Site Conditions  Request By Another A    Zoning/Code/Ordinance Changes	DATE	:	05/18/10							
	er InitiatedQuantity Overruns/Underruns ring Site ConditionsRequest By Another Agency/ ng/Code/Ordinance ChangesA. ReimbursableB. congress AVENUE/LANTANA ROADCHANGE ORDER N TO MELALEUCA LANECOUNTY PROJECT H & J Contracting, IncCONTRACT DATE: RESOLUTION NO: DISTRICT NO: cted to make the following changes in this Contract: e Extension: days 2010 Labor Day (3) and MLK Day (1) 2011 Memorial Day (3), Independence Day (1), Labor Day (3), ving and Christmas 2010 Labor Day (3), Independence Day (1), Labor Day (3), ving and Christmas (14) roceed was July 7, 2010) Contract Sum was Completion as of the date of this Change Order Time will be unchanged by this Change Order therefore is N OF THIS CHANGE ORDER ACKNOWLEDGES FINAL SETTLEMENT OF, AN R, COSTS AND TIME ASSOCIATED, DIRECTLY, WITH TH HON(S). INCLUDING ALL CLAIMS FOR CUMULATIVE DELAYS OR DISRUP JSED BY, OR INCIDENT TO, SUCH MODIFICATION(S), AND INCLUDING ANY ATED MODIFICATION(S) CONSTITUTES, IN WHOLE OR PART, A CARDINAI (If Applicable) CONTRACTOROBOX 21229 Address Wellington, FI_4 33414BY		R2010-07	37							
<b>T</b> 7 <b>1</b> 1						DIST	RICT N	1Ó:		3	737 737 2 S ALL ATED TING THE THE
You are direct	ed to make the	e following cha	anges in this Co	ntract:							
67-Day Time I	Extension:										
			endence Day (1	), Labor	Day (3	),					
I hanksgivi	ng and Christr	nas (14)									
(Notice to Pro	oceed was July	7, 2010)									
The original C	ontract Sum w	/as		•				•	\$5,55	1,422.15	
					•		•			2,683.67	
The Contract S	Sum prior to th	is Change Ord	ler was	•	•	•		•	\$5,56	4.105.82	
The Contract S	Sum will be un	changed by th	is Change Order	r					\$	-0-	
The new Contu	ract Sum inclu	ding this Char	ige Order will b	e	•	•	•	•	\$5,56	4,105.82	
The Contract T	fime will be in	creased by .	· ·	•		•	•	•	( 67 )	) Days	
The Date of Co	ompletion as o	f the date of th	nis Change Orde	er therefo	ore is	•	•	•	Janua	ry 6, 2012	
EXECUTION	OF THIS CHA	ANGE ORDEI	R ACKNOWLE	DGES I	INAL	SETTL	EMEN	T OF, A	ND RI	ELEASES	ALL
CLAIMS FOR	., COSTS ANI	O TIME ASSC	OCIATED, DIRI	ECTLY	OR INI	DIREC	TLY, V	VITH TH	HE AB	OVE-STA	TED
MODIFICATI	ON(S). INCL	UDING ALL (	CLAIMS FOR C	UMULA	ATIVE	DELA	YS OR	DISRUI	PTION	S RESULT	ING
FROM, CAUS	ED BY, OR IN	NCIDENT TO,	SUCH MODIF	ICATIO	N(S), A	AND IN	CLUD	ING AN	Y CLA	IM THAT	THE
ABOVE-STAT	FED MODIFIC	CATION(S) C	ONSTITUTES,	IN WHO	OLE OI	R PAR'	Γ, Α CΑ	ARDINA	L CHA	ANGE TO '	THE
CONTRACT.											
NUC		H & J Contra						<u>d of Cou</u>	<u>mty Co</u>	ommissione	ers .
ENGINEER (I	1 Applicable)				•						
			e Farms Road			-		29			<b>:</b>
Address			1								
		Wellington, I	<u>-1 33414 // (</u>	$\longrightarrow$	-, 11	West ]	Palm B	each, FL	. 3341	<u>6-1229</u>	<u> </u>
BY		BY A	DMan,	the	<u>]</u> ]	BY					
DATE		DATE	2/27/12			DATE	2				

20 DOLLAR PARITY MALM BEACH COUNTY ENGINEERING AND PUBLIC WORKS 7-12AVS PARITY ANT 2200 for the Department to declare the Contractor in default, in accordance with 8-9, with the exception that the Contractor will not have ten calendar days to correct the conditions for which the suspension was ordered.

8-6.1.1 State of Emergency: The Engineer has the authority to suspend the Contractor's operations, wholly or in part, pursuant to a Governor's Declaration of a State of Emergency. The Engineer will order such suspension in writing, giving in detail the reasons for the suspension. Contract Time will be charged during all suspensions of Contractor's operations. The Department, at its sole discretion, may grant an extension of Contract Time and reimburse the Contractor for specific costs associated with such suspension. Further, in such instances, the Department's determination as to entitlement to either time or compensability will be final, unless the Contractor can prove by clear and convincing evidence to a Disputes Review Board that the Department's determination was without any reasonable factual basis

**8-6.2 Prolonged Suspensions:** If the Engineer suspends the Contractor's operations for an indefinite period, store all materials in such manner that they will not obstruct or impede the traveling public unnecessarily or become damaged in any way. Take every reasonable precaution to prevent damage to or deterioration of the work performed. Provide suitable drainage of the roadway by opening ditches, shoulder drains, etc., and provide any temporary structures necessary for public travel through the project.

**8-6.3 Permission to Suspend Contractor's Operations:** Do not suspend operations or remove equipment or materials necessary for completing the work without obtaining the Engineer's written permission. Submit all requests for suspension of operations in writing to the Engineer, and identify specific dates to begin and end the suspension. The Contractor is not entitled to any additional compensation for suspension of operations during such periods.

**8-6.4 Suspension of Contractor's Operations-Holidays**: Unless the Contractor submits a written request to work on a holiday at least ten days in advance of the requested date and receives written approval from the Engineer, the Contractor shall not work on the following days: Martin Luther King, Jr. Day; Memorial Day; the Saturday and Sunday immediately preceding Memorial Day; Independence Day; Labor Day; the Friday, Saturday, and Sunday immediately preceding Labor Day; Veterans Day; Thanksgiving Day; the Friday, Saturday and Sunday immediately following Thanksgiving Day; and December 24 through January 2, inclusive. Contract Time will be charged during these holiday periods regardless of whether or not the Contractor's operations have been suspended. Contract time will be adjusted in accordance with 8-7.3.2. The Contractor is not entitled to any additional compensation beyond any allowed contract time adjustment for suspension of operations during such holiday periods.

During such suspensions, remove all equipment and materials from the clear zone, except those required for the safety of the traveling public and retain sufficient personnel at the job site to properly meet the requirements of Sections 102 and 104. The Contractor is not entitled to any additional compensation for removal of equipment from clear zones or for compliance with Section 102 and Section 104 during such holiday periods.

### 8-7 Computation of Contract Time.

**8-7.1 General:** Perform the contracted work fully, entirely, and in accordance with the Contract Documents within the Contract Time specified in the proposal, or as may be extended in accordance with the provisions herein below.

The Department considers in the computation of the allowable Contract Time the effect that utility relocation and adjustments have on job progress and the scheduling of

construction operations required in order to adequately maintain traffic, as detailed in the plans or as scheduled in the Special Provisions.

**8-7.2 Date of Beginning of Contract Time:** The date on which Contract Time begins is either (1) the date on which the Contractor actually begins work, or (2) the date for beginning the charging of Contract Time as set forth in the proposal; whichever is earlier.

# 8-7.3 Adjusting Contract Time:

8-7.3.1 Increased Work: The Department may grant an extension of Contract Time when it increases the Contract amount due to overruns in original Contract items, adds new work items, or provides for unforeseen work. The Department will base the consideration for granting an extension of Contract Time on the extent that the time normally required to complete the additional designated work delays the Contract completion schedule.

**8-7.3.2 Contract Time Extensions:** The Department may grant an extension of Contract Time when a controlling item of work is delayed by factors not reasonably anticipated or foreseeable at the time of bid. The Department may allow such extension of time only for delays occurring during the Contract Time period or authorized extensions of the Contract Time period. When failure by the Department to fulfill an obligation under the Contract results in delays to the controlling items of work, the Department will consider such delays as a basis for granting a time extension to the Contract.

Whenever the Engineer suspends the Contractor's operations, as provided in 8-6, for reasons other than the fault of the Contractor, the Engineer will grant a time extension for any delay to a controlling item of work due to such suspension. The Department will not grant time extensions to the Contract for delays due to the fault or negligence of the Contractor.

The Department does not include an allowance for delays caused by the effects of inclement weather or suspension of Contractor's operations due to holidays as defined in 8-6.4, in establishing Contract Time. The Engineer will continually monitor the effects of weather and, when found justified, grant time extensions on either a bimonthly or monthly basis. The Engineer will not require the Contractor to submit a request for additional time due to the effects of weather.

The Department will grant time extensions, on a day for day basis, for delays caused by the effects of rains or other inclement weather conditions, related adverse soil conditions or suspension of operations due to holidays that prevent the Contractor from productively performing controlling items of work resulting in:

(1) The Contractor being unable to work at least 50% of the normal work day on pre-determined controlling work items due to adverse weather conditions, holiday suspension; or

(2) The Contractor must make major repairs to work damaged by weather, provided that the damage is not attributable to the Contractor's failure to perform or neglect; and provided that the Contractor was unable to work at least 50% of the normal workday on pre-determined controlling work items.

No additional compensation will be made for delays caused by the effects of inclement weather.

The Department will consider the delays in delivery of materials or component equipment that affect progress on a controlling item of work as a basis for granting a time extension if such delays are beyond the control of the Contractor or supplier. Such delays may include an area-wide shortage, an industry-wide strike, or a natural disaster that affects all feasible sources of supply. In such cases, the Contractor shall furnish substantiating letters from

### CHANGE ORDER HISTORY

C.O. #	DATE APPROVED		ENGINEER	ana Road to Melaleuca Lane; C.R. COMMITTEE		TOTAL DEPT. & C.R. APF	BOARD OF CO. COMM.		
					TIME			AMOUNT .	TIME
1	11/15/2010	0.00	0						
2	3/23/2011	3,778.09	0						
3	4/20/2011	6,540.16	0						
4	. 5/13/2011	2,365.42	1						
<u> </u>									
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	TOTAL	12,683.67	1	0.00	0	12,683.67	1		
	CUMULATIVE TOTAL	12,683.67	1	0.00	0	12,683.67	1		
		SINGLE AMT. \$50,000.00		SINGLE AMT. \$100,000.00		MAXIMUM CUMULATIVE			
	As of PPM CW-F-050 Dated June 1, 2011	MAX. AMT. \$250,000.00 or 5% of contract		MAX, AMT, \$250,000.00 or 5% of contract		CO. ENG. & C.R. COMM. \$250,000.00 or 5% of contract	CO.ENG.&C.R 120 DAYS		

### PALM BEACH COUNTY PROJECT Congress Avenue from Lantana Road to Melaleuca Lane; Project No. 2003507

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