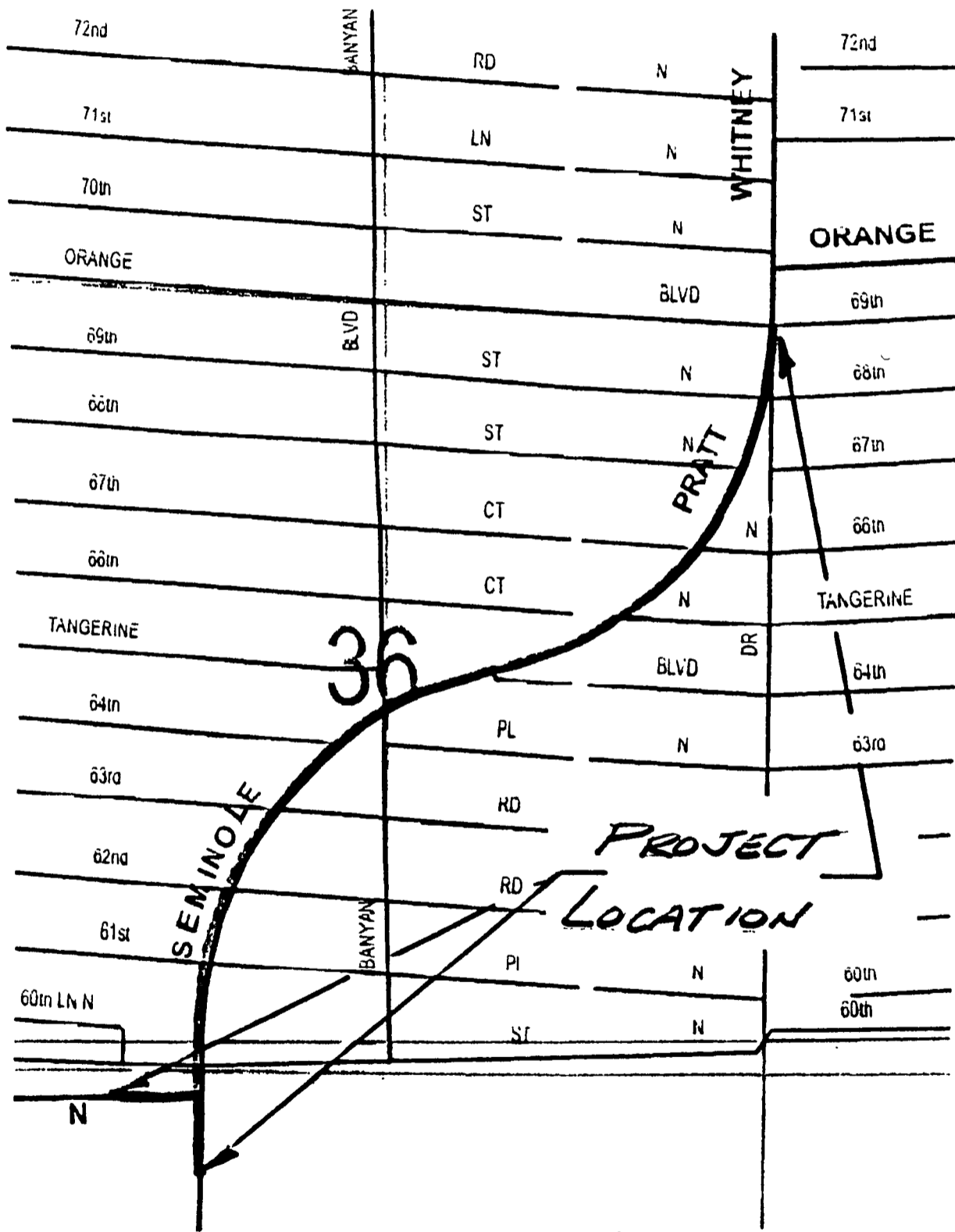


**PROJECT LOCATION
SEMINOLE PRATT WHITNEY ROAD
S. OF M CANAL TO S. OF ORANGE BOULEVARD
PROJECT NO. 1997511C2B**



LOCATION MAP

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: **Seminole Pratt Whitney Road/south of M Canal**
 (Name) **to south of Orange Boulevard**
 TO:
 (Contractor) **J.W. Cheatham, LLC**

CHANGE ORDER NO: 6 (six)
 COUNTY PROJECT NO: 1997511C2B
 CONTRACT DATE: 09/11/12
 RESOLUTION NO: R2012-1211
 DISTRICT NO: 6

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

- | | |
|---|---------------------|
| 1. Increase contract pay item No. 7, subsoil excavation by the amount of 7,128 c.y.
7,128 c.y. @ \$4.50 c.y. | \$ 32,076.00 |
| 2. Decrease contract pay item No. 6, lake excavation by the amount of 7,128 c.y.
7,128 c.y. @ \$1.00 c.y. | (\$7,128.00) |
| 3. Additional crew time for dewatering pipe trenches,
10 minutes/well point x 1550 well points x \$150/hour | \$ 38,700.00 |
| 4. Contractors markup, 10% x \$38,700.00 | \$ 3,870.00 |
| 5. Increase pay item No. 2, Maintenance of Traffic by the
amount of \$19,881.30 (49 days x \$405.74/day) | \$ 19,881.30 |
| Total | \$ 87,399.30 |

Contract time granted, 49 days.

Attachment "A" - Contractor's request for equitable adjustment

Attachment "B" - P.B. County Roadway Production recommendation for Change Order

The original Contract Sum was	\$3,679,428.55
Net change by previous Change Orders	\$ 351,459.60
The Contract Sum prior to this Change Order was	\$4,030,888.15
The Contract Sum will be increased by this Change Order	\$ 87,399.30
The new Contract Sum including this Change Order will be	\$4,118,287.45
The Contract Time will be increased by.	(49) Days
The Date of Completion as of the date of this Change Order therefore is	October 20, 2014

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

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

BY _____ BY Thomas P. Worris
 DATE _____ DATE 10/21/13

BY _____
 DATE _____

ATTEST: Sharon R. Bock,
Clerk & Comptroller

Approved as to Form and Legal
Sufficiency:

(Deputy Clerk) _____ Date _____

(County Attorney) _____



**Road Building &
Earthmoving Contractors**

August 16, 2013

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

Attn: Mr. Mark Tomlinson, Director

Re: Seminole Pratt Whitney Road: S. of M Canal to S. of Orange Blvd
Palm Beach County Project No. 1997511C2B

Dear Mr. Tomlinson:

I submit the following request for an equitable adjustment of contract price and time due to unforeseen hardened rock formation at the above referenced project.

Add:

Mobilization	1 LS	@	\$27,984.39 /LS	\$27,984.39	DELETE
Maintenance of Traffic	1 LS	@	\$19,881.30 /LS	\$19,881.30	
Storm Drainage Installation (Per DS Eakins REA 8/12/13)	1 LS	@	\$57,922.00 /LS	\$57,922.00	\$ 38,700.00
Contractors Mark Up	10 %			\$5,792.20	\$ 3,870.00
Subsoil Excavation (Estimated Qty) (Per Contract Unit Price)	7,128 CY	@	\$4.50 /CY	\$32,076.00	
				<u>\$143,655.89</u>	

Delete:

Lake Excavation	(7,128) CY	@	\$1.00 /CY	(\$7,128.00)	
-----------------	------------	---	------------	--------------	--

Grant Total ~~\$136,527.89~~ ~~\$ 87,399.30~~

Additional Contract Days Required to Perform Work 49 Days

Your review and approval is requested.

Sincerely,
J.W. Cheatham, LLC

Thomas P. Uhrig
Thomas P. Uhrig
Vice President

7396 Westport Place West Palm Beach, FL 33413 Phone: (561) 471-4100 Fax: (561) 471-8348

ATTACHMENT 'A'



D.S. EAKINS

CONSTRUCTION CORPORATION



**POST OFFICE BOX 530185
LAKE PARK, FLORIDA 33403
Office: (561) 842-0001
Fax: (561) 842-0009**

Attn: Tom Uhrig
J.W. Cheatham, LLC.
7396 Westport Place
West Palm Beach, FL 33413

Date: 8/12/13
Page 1 of 3

Project: Seminole Pratt Whitney Road Project – Orange Blvd. to M Canal

Mr. Uhrig,

We have evaluated the impact of the unforeseen and non-disclosed hardened rock formation in our scope of work since our notification letter was provided to you on 4/5/13. This rock formation impacted the following scope items with cost values:

Dewatering System Well-points:

Station 362+60 to 372+00	West Side Drainage	940 LF
Station 362+60	60" RCP Endwall	120 LF
Station 361+10	Conflict Structure	100 LF
Station 351+00 to 355+00	East Side Drainage	400 LF
Station 351+00 to 361+00	West Side Drainage	1000 LF
Station 349+20	Dual 72" RCP Endwalls	360 LF
Station 349+00 to 341+70	West Side Drainage	730 LF
Station 323+00 to 333+00	West Side Drainage	<u>1000 LF</u>
		4650 LF

The rock to the northern portion of the impacted areas took as long as 20 minutes additional time per point to penetrate with our well-point drilling rig whereas the southern portion of the impacted areas took as long as 3 minutes additional time to penetrate. This is an average of 10 minutes additional time spent per point. With our points installed at 3 feet on centers, that is 1550 points x 10 additional minutes = 15,500 Minutes or 258 Hours of additional well-point drilling required.
Our Komatsu 138 Excavator w/ Drill Attachment = \$150/HR x 258 HRS= \$38,700.00 ✓

Twin 72" RCP Endwalls @ STA 349+20: The elevation of the rock required us to remove a 3' H x 2' W x 47' L keyway penetration in order for the precast endwall toe wall to sit properly in place. Our pipe crew spent an additional 20 HRS removing this portion of rock for both endwalls @ ~~\$315/HR = \$6,300.00~~

DELETE

20" Force Main Extension @ Banyan Road: The elevation of the rock required us to remove a 2' H x 3' W x 15' L penetration in order to install the force main pipe and fittings. Our pipe crew spent an additional 4 HRS removing this rock @ ~~\$315/HR = \$1,260.00~~

DELETE

Bedding Stone: Pea Rock bedding stone that was utilized when pipe trench or structure excavation was undercut within the rock formation. Quantities supplied included the following (See attached delivery tickets):

<u>Date</u>	<u>Ticket #</u>	<u>Quantity</u>	<u>Date</u>	<u>Ticket #</u>	<u>Quantity</u>
2/25/13	306949	18 CY	4/29/13	307847	18 CY
2/26/13	306951	18 CY	4/29/13	307848	18 CY
2/28/13	306962	18 CY	4/29/13	307867	18 CY
2/28/13	306961	18 CY	4/29/13	307868	18 CY
3/7/13	307217	18 CY	5/15/13	308312	18 CY
3/7/13	307070	18 CY	5/15/13	308313	18 CY
3/29/13	308227	18 CY	6/3/13	308602 ⁹⁰¹	18 CY
3/29/13	308228	18 CY	6/3/13	308508	18 CY
4/3/13	308156	18 CY	6/3/13	308510	18 CY
4/3/13	308157	18 CY	6/3/13	308514	18 CY
4/3/13	308233	18 CY	6/7/13	308662	18 CY
4/4/13	308235	18 CY	6/7/13	308663	18 CY
4/4/13	308236	18 CY	6/7/13	308664	18 CY
4/5/13	308162	18 CY	6/10/13	308563	18 CY
4/5/13	308163	18 CY	6/10/13	308564	18 CY
4/6/13	308054	18 CY	7/22/13	309144 ³⁰⁸⁵⁶⁶	18 CY ^{18 CY}
4/6/13	308166	18 CY	8/3/13	309051	20 CY
4/6/13	308167	18 CY	8/8/13	309441	18 CY
4/6/13	308168	18 CY			Total = 686 CY
4/6/13	308169	18 CY			

~~686CY of Pea Rock Bedding x \$17.00/CY = \$11,662.00 Total Material Cost~~

DELETE

Under the General Provisions Section 4-4 and 5-12.1.1 of our Contract, we are requesting an equitable adjustment of contract price in the amount of ~~\$57,922.00~~ and a contract time adjustment of ~~49~~ 38,700.00 calendar days for this extra work. Contact me if you have any questions.

Respectfully,

Ronald A Rossi

Ronald A Rossi
Estimator/Project Manager

INTER-OFFICE COMMUNICATION

DATE: October 4, 2013

TO: Mark Tomlinson, Director
Construction Coordination Division

FROM: L. Morton Rose, PE, Assistant Director
Roadway Production Division

RE: SEMINOLE PRATT WHITNEY ROAD
FROM S. OF M CANAL TO S. OF ORANGE BLVD
PALM BEACH COUNTY PROJECT NO. 1997511C2B

We have obtained and reviewed additional soils information based on new SPT borings performed along the segment of drainage system previously discussed.

Based upon this review, Roadway Production agrees it is reasonable to conclude that the Contractor encountered materials during the trench dewatering, that was significantly different from what was anticipated when the project was bid.

We are therefore recommending that a change Order be issued increasing the quantity of Subsoil Excavation for the project by the amount of 7,128 cy with a comparable decrease in the quantity of Lake Excavation – both quantities to be verified prior to final payment by actual cross sectioning (net value \$24,948), and also that additional payment be made to the Contractor for work required to dewater for the drainage system (net value (62,451.~~13~~³⁶). Total recommended additional payment is \$87,399.30

Also we would recommend that 49 additional days be granted for this work. Please see the background information supporting our recommendations attached.

LMR/wrs

ec: Omelio A. Fernandez, P.E., Director, Roadway Production

F:\ROADWAY\WRS\MEMOS\97511C\contractors equitable adjustment request limestone rvsd 100313.doc

ATTACHMENT 'B'

SPW RD – PBC Proj #1997511C2B

BACKGROUND:

**CHEATHAM CLAIMS AN EQUITABLE ADJUSTMENT OF CONTRACT TIME & COST -
REASON – “UNFORESEEN HARDENED ROCK FORMATION”**

Date of Claim – Aug 16, 2013

Claim: 1) 49 additional days (per DS Eakins, based on additional time required to complete the well-point work)

2) \$136,527.89 additional costs to be reimbursed, as follows:

- a. Mobilization/CHEATHAM - \$27,984.39 (equates to 49 days at Contract rate of \$571.11/day) for trench work – not pond related
- b. Maintenance of Traffic/CHEATHAM - \$19,881.30 (equates to 49 days at Contract rate of \$405.74/day) for trench work – not pond related
- c. Storm Drainage Installation (per DS Eakins) - \$57,922.00 for trench work – not pond related
 1. Additional crew time dewatering w/well points - \$38,700 (@10 min/well point x 1550 wellpoints (i.e. 258 hrs) x \$150/hr)
 2. Rock Excavation at Endwalls - \$6,300.00 (@20 hrs x \$315/hr for crew)
 3. Rock Excavation at 20" Force Main Extension - \$1,260.00 (@4 hrs x \$315/hr for crew)
 4. Bedding Stone at Rock Excavation - \$11,662.00 (@686 cy x \$17/cy)
- d. Contractor's Markup/CHEATHAM - \$5,792.20 – not pond related
- e. Subsoil Excavation (7,128 CY)/CHEATHAM - \$32,076.00 – pond related
- f. Delete Lake Excavation (7,128 CY)/CHEATHAM – (\$7,128.00) – pond related

NOTE – CURRENT CONTRACT = 540 DAYS

CURRENT CONTRACT MOBILIZATION = \$308,400 (\$571.11/DAY)

CURRENT CONTRACT M.O.T. = \$219,100 (\$405.74/DAY)

(LIQ. DMGS. = \$1,914/day)

NOTE: IT SHOULD BE NOTED THAT THE PLANS PROVIDED TO ALL BIDDERS (SHT NOS. 60-67) INCLUDED SOIL BORING INFORMATION AT 200 FT STATIONS WITHIN THE ROAD RIGHT OF WAY, TO A DEPTH OF AT LEAST 6 FT. AT 1000 FT INTERVALS THOSE BORINGS REACHED 15 FT. 12 OF THOSE BORING LOCATIONS INDICATED "GRAY WEATHER LIMESTONE" AS HIGH AS 2 FT BELOW EXISTING GROUND, INCLUDING SEVERAL WITHIN CLOSE PROXIMITY TO 3 STORMWATER POND SITES

CONTRACT AND FDOT SPEC (2010 GOVERNS) EXCERPTS FOLLOW:

SP-13 SUBSOIL EXCAVATION:

Where muck, rock, clay, or other material within the limits of the roadway is unsuitable in its original position, excavate such material to the cross-sections shown in the plans or indicated by the Engineer, and backfill with suitable material.

2-4 Examination of Plans, Specifications, Special Provisions and Site of Work:

Examine the Contract Documents and the site of the proposed work carefully before submitting a proposal for the work contemplated. Investigate the conditions to be encountered, as to the character, quality, and quantities of work to be performed and materials to be furnished and as to the requirements of all Contract Documents.

The Department does not guarantee the details pertaining to borings, as shown on the plans, to be more than a general indication of the materials likely to be found adjacent to holes bored at the site of the work, approximately at the locations indicated. The Contractor shall examine boring data where available, and make his own interpretation of the subsoil investigations and other preliminary data, and shall base his bid on his own opinion of the conditions likely to be encountered.

The bidder's submission of a proposal is prima facie evidence that the bidder has made an examination as described in this Article.

4-3.7 Differing Site Conditions:

During the progress of the work, if subsurface or latent physical conditions are encountered at the site differing materially from those indicated in the Contract, or if unknown physical conditions of an unusual nature differing materially from those ordinarily encountered and generally recognized as inherent in the work provided for in the Contract are encountered at the site, the party discovering such conditions shall promptly notify the other party in writing of the specific differing conditions before the Contractor disturbs the conditions or performs the affected work.

Upon receipt of written notification of differing site conditions from the Contractor, the Engineer will investigate the conditions, and if it is determined that the conditions materially differ and cause an increase or decrease in the cost or time required for the performance of any work under the Contract, an adjustment will be made excluding loss of anticipated profits, and the Contract will be modified in writing accordingly. The Engineer will notify the Contractor whether or not an adjustment of the Contract is warranted.

4-4 Unforeseeable Work - DELETE AND INSERT THE FOLLOWING:

When the Department requires work that is not covered by a price in the Contract, and the Department finds that such work is essential to the satisfactory completion of the Contract within its intended scope, the Department will make an adjustment to the Contract. The Engineer will determine the basis of payment for such an adjustment in a fair and equitable amount.

120-2.3 Subsoil Excavation:

Subsoil Excavation consists of the excavation and disposal of muck, clay, rock, or any other material that is unsuitable in its original position and that is excavated below the finished grading template. For stabilized bases and sand bituminous road mixes, consider the finished grading template as the top of the finished base, shoulders and slopes. For all other bases and rigid pavement, consider the finished grading template as the finished shoulder and slope lines and bottom of completed base or rigid pavement. For pond and ditches that identify the placement of a blanket material, consider the finished grading template as the bottom of the blanket material. Subsoil Excavation also consists of the

excavation of all suitable material within the above limits as necessary to excavate the unsuitable material. Consider the limits of Subsoil Excavation indicated on the plans as being particularly variable, in accordance with the field conditions actually encountered.

The quantity of material required to replace the excavated material and to raise the elevation of the roadway to the bottom of the template will be paid for under Embankment or Borrow Excavation (Truck Measure).

120-3 Preliminary Soils Investigations:

When the plans contain the results of a soil survey, do not assume such data is a guarantee of the depth, extent, or character of material present.

125-4.4 Pipe Trench Excavation:

Excavate trenches for pipe culverts and storm sewers to the elevation of the bottom of the pipe and to a width sufficient to provide adequate working room. Remove soil not meeting the classification specified as suitable backfill material in 125-8.3.2.2, to a depth of 4 inches below the bottom of the pipe elevation. Remove rock, boulders or other hard lumpy or unyielding material to a depth of 12 inches below the bottom of the pipe elevation.

125-14.7 Removal and Replacement of Material Unsuitable for Backfill:

When it cannot reasonably be anticipated from information contained in the plans, that material excavated for the structure will be unsuitable for use as backfill, and such material proves to be unsuitable for this use, the work of disposing of such material away from the site will be paid for as unforeseeable work, and the work of bringing in substitute material for the backfill will be paid for as specified for the particular case shown below:

(c) When the necessary material is not available from the normal excavation or grading operations and no separate item for Borrow Excavation is included in the Contract, any backfill material obtained by increasing the volume of excavation within the roadway right of way will be measured and paid for as regular excavation subject to the provisions of 9-3.2.2.

RECOMMENDATION:

1) 49 additional days (based on additional time required to complete the trench work)

NO

2) ~~\$136,527.89~~ \$87,399.30 additional costs to be reimbursed, as follows:

a. Mobilization - ~~\$27,984.39~~ (49 days at Contract rate of ~~\$571.11/day~~)

NO

EQUIPMENT (for pipe trench) IS ALREADY ON SITE & WORKING

b. Maintenance of Traffic - \$19,881.30 (49 days at Contract rate of \$405.74/day)

OK

c. Storm Drainage Installation (per DS Eakins) - ~~\$57,922.00~~ \$38,700 as follows:

1. Additional crew time dewatering w/well points - \$38,700

OK

2. Rock Excavation at Endwalls - \$6,300.00

NO

SOILS INFO PROVIDED ON THE CONSTRUCTION PLANS INDICATED THE LAYER OF GREY WEATHERED LIMESTONE THAT WAS ENCOUNTERED AT THIS LOCATION

3. Rock Excavation at 20" Force Main Extension - ~~\$1,260.00~~

NO

SOILS INFO PROVIDED ON THE CONSTRUCTION PLANS INDICATED THE LAYER OF GREY WEATHERED LIMESTONE THAT WAS ENCOUNTERED AT THIS LOCATION

4. Bedding Stone at Rock Excavation - ~~\$11,662.00~~

NO

SOILS INFO PROVIDED ON THE CONSTRUCTION PLANS INDICATED THE LAYER OF GREY WEATHERED LIMESTONE THAT WAS ENCOUNTERED AT THIS LOCATION

d. Contractor's Markup - ~~\$5,792.20~~ \$3,870

OK

+/-

NO SUBCONTRACTOR ADD'L MONIES RECOMMENDED

e. Subsoil Excavation (7,128 CY) - \$32,076.00

OK+/-

NEED CROSS SECTIONS TO VERIFY QUANTITY

f. Delete Lake Excavation (7,128 CY) - (\$7,128.00)

OK+/-

NEED CROSS SECTIONS TO VERIFY

TOTAL RECOMMENDED PAYMENT = \$87,399.30 & 49 ADD'L DAYS TIME

(VAL. OF LIQ DMGS @\$1,914/DAY X 49 DAYS = \$93,786)

CHANGE ORDER HISTORY

PALM BEACH COUNTY PROJECT Seminole Pratt Whitney Road/south of M Canal to south of Orange Boulevard; Project no. 1997511C2B

C.O. #	DATE APPROVED	COUNTY ENGINEER		C.R. COMMITTEE		TOTAL DEPT. & C.R. APPROVALS		BOARD OF CO. COMM.	
		AMOUNT	TIME	AMOUNT	TIME	AMOUNT	TIME	AMOUNT	TIME
1	4/2/13 Board Item							306,145.00	60
2	2/28/2013	8,849.00	0						
3	10/17/2013	12,598.60	0						
4	10/17/2013	12,012.00	0						
5	10/17/2013	11,855.00	0						
	TOTAL	45,314.60	0	0.00	0	45,314.60	0		
	CUMULATIVE TOTAL	45,314.60	0	0.00	0	45,314.60	0		
	As of PPM CW-F-050 Dated February 27, 2012	SINGLE AMT. \$50,000.00 MAX. AMT. \$250,000.00 or 5% of contract	MAX. TIME 30 DAYS	SINGLE AMT. \$100,000.00 MAX. AMT. \$250,000.00 or 5% of contract	MAX. TIME 90 DAYS	MAXIMUM CUMULATIVE CO. ENG. & C.R. COMM. \$250,000.00 or 5% of contract	MAX. CUM. CO.ENG.&C.R. 120 DAYS		

SCHEDULE 1

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

PROJECT NAME OR BID NAME: Seminole Pratt Whitney Rd, M-Canal to Orange Blvd PROJECT NO. OR BID NO.: 1997511C2B
 NAME OF PRIME BIDDER: J.W. Cheatham, LLC ADDRESS: 7396 Westport Place WPB, FL 33413
 CONTACT PERSON: Tom Whrig PHONE NO.: 561-471-4100 FAX NO.: 561-471-8348
 BID OPENING DATE: C.O. #6 USER DEPARTMENT: Estimating

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.

Name, Address and Phone Number	(Check one or both Categories)		DOLLAR AMOUNT OR PERCENTAGE OF WORK				
	M/WBE Minority Business	SBE Small Business	Black	Hispanic	Women	Caucasian	Other (Please Specify)
1. <u>D.S. Eakins Inc</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	_____	_____	_____	<u>38700.⁰⁰</u>	_____
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)
C.O. #6 Total 38700.⁰⁰
 Total Bid Price \$ 87399.30 Total SBE-M/WBE Participation Dollar Amount or Percentage of Work 38700.⁰⁰

I hereby certify that the above information accurate to the best of my knowledge: Tom Whrig Signature Vice Pres Title

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.