



# Agenda Report

2725 Judge Fran Jamieson  
Way  
Viera, FL 32940

## Consent

F.7.

7/21/2020

### Subject:

Approval Re: Construction Contract Change Order No. 10 for the Intelligent Transportation System Phase 2 Construction for the St. Johns Heritage Parkway Northern Segment - District 5

### Fiscal Impact:

\$298,910.49 for Contract Change Order No. 10. These costs will be reimbursed 50% by the State of Florida Department of Transportation County Incentive Grant Program. The County's portion of \$149,455.25 will be provided from Local Option Gas Tax funds previously allocated to the project. No new funds are being allocated to the project.

### Dept/Office:

Public Works Department/Finance and Contracts Administration

### Requested Action:

It is requested the Board of County Commissioners: 1) approve and authorize the Chair to execute Contract Change Order No. 10 in the amount of \$298,910.49 to Jr. Davis Construction, Co., Inc. (Contractor) for the construction of the Intelligent Transportation System Phase 2 work for the St. Johns Heritage Parkway Northern Segment; 2) approve any necessary Budget Change Requests associated with this action.

### Summary Explanation and Background:

The Intelligent Transportation System (I.T.S.) Phase 2 design is complete and will result in Engineering Revision No. 6. This revision also expands the original I.T.S. work scope to finalize the improvements along the S.J.H.P. from US 192 to the Ellis I-95 Interchange, including the installation of I.T.S. devices, power services, support structures and associated communication/power wiring and cabinets. Contract Change Order No. 10 will result in a net increase of \$298,910.49 to the contract amount, and an additional 42 calendar days will be added to the contract time. The additional 42calendar days is limited to the I.T.S. Phase 2 expansion work.

Presently, the roadway is open to traffic as the Contractor achieved Substantial Completion on June 2, 2020. The Contractor has requested to be released from third party damages given that the Final Completion is anticipated to not occur for an additional several months. Contract Change Order No. 10 includes a provision for this claims release, defines third parties, and reaffirms that the Contractor shall continue to be responsible for all warranty and performance obligations under contract No. 4256 dated February 14, 2019, including all change orders, and the Public Construction Bond (Bond No. 30058004).

### Clerk to the Board Instructions:

Please return Contract Change Order No. 10 to the Public Works Department for further execution.



# CONTRACT REVIEW AND APPROVAL FORM

## SECTION I - GENERAL INFORMATION

1. Contractor: Jr. Davis Construction Co., Inc.		2. Amount: \$298,910.49	
3. Fund/Account #: 1700/344935 & 1232/270970		4. Department Name: Public Works	
5. Contract Description: Contract Change Order No. 10			
6. Contract Monitor: Jeanette Scott		8. Contract Type:  CONSTRUCTION	
7. Dept/Office Director: Marc Bernath, Public Works Director			
9. Type of Procurement: Other			

## SECTION II - REVIEW AND APPROVAL TO ADVERTISE

### APPROVAL

<u>COUNTY OFFICE</u>	<u>YES</u>	<u>NO</u>	<u>SIGNATURE</u>
User Agency	<input type="checkbox"/>	<input type="checkbox"/>	_____
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	_____
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	_____
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	_____

## SECTION III - CONTRACTS MANAGEMENT DATABASE CHECKLIST

### APPROVAL

<u>COUNTY OFFICE</u>	<u>YES</u>	<u>NO</u>	<u>SIGNATURE</u>
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Thomas-Wood, Tammy <small>Digitally signed by Thomas-Wood, Tammy DN: cn=Thomas-Wood, o=Brevard County, ou=Public Works Date: 2020.07.10 10:38:08 -04'00'</small>
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	_____
Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lairsey, Matt <small>Digitally signed by Lairsey, Matt Date: 2020.07.10 09:38:08 -04'00'</small>
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brewer, Jad <small>Digitally signed by Brewer, Jad Date: 2020.07.10 07:42:54 -04'00'</small>

## SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

<b>CM DATABASE REQUIRED FIELDS</b>	<b>Complete ✓</b>
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status, Title, Type, and Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date, Effective Date, and Expiration Date	<input type="checkbox"/>
Contract Absolute End Date (No Additional Renewals/Extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in CM database (Contract Form with County Attorney/ Risk Management/ Purchasing Approval; Signed/Executed Contract)	<input type="checkbox"/>
"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>

**BREVARD COUNTY  
BOARD OF COUNTY COMMISSIONERS**

F.7

**CONTRACT REVIEW AND APPROVAL FORM**

**SECTION I - GENERAL INFORMATION**

1. <b>Contractor:</b> Jr. Davis Construction Co., Inc.		2. <b>Amount:</b> \$298,910.49	
3. <b>Fund/Account #:</b> 1700/344935 & 1232/270970		4. <b>Department Name:</b> Public Works	
5. <b>Contract Description:</b> Contract Change Order No. 10			
6. <b>Contract Monitor:</b> Jeanette Scott		8. <b>Contract Type:</b>	
7. <b>Dept/Office Director:</b> Marc Bernath, Public Works Director		CONSTRUCTION	
9. <b>Type of Procurement:</b> Other			

**SECTION II - REVIEW AND APPROVAL TO ADVERTISE**

APPROVAL

<u>COUNTY OFFICE</u>	<u>YES</u>	<u>NO</u>	<u>SIGNATURE</u>
User Agency	<input type="checkbox"/>	<input type="checkbox"/>	
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	
Risk Management	<input type="checkbox"/>	<input type="checkbox"/>	
County Attorney	<input type="checkbox"/>	<input type="checkbox"/>	

**SECTION III - CONTRACTS MANAGEMENT DATABASE CHECKLIST**

APPROVAL

<u>COUNTY OFFICE</u>	<u>YES</u>	<u>NO</u>	<u>SIGNATURE</u>
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Thomas-Wood, Tammy <small>Digitally signed by Thomas Wood, Tammy DN: cn=Thomas Wood, email=tammy.wood@brevard.gov, date=2020.07.10 10:38:08 -04'00'</small>
Purchasing	<input type="checkbox"/>	<input type="checkbox"/>	
Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lairsey, Matt <small>Digitally signed by Lairsey, Matt Date: 2020.07.10 09:38:08 -04'00'</small>
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brewer, Jad <small>Digitally signed by Brewer, Jad Date: 2020.07.10 07:42:54 -04'00'</small> <i>RB 7/15/20</i>

**SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST**

<b>CM DATABASE REQUIRED FIELDS</b>	<b>Complete ✓</b>
Department Information	<input type="checkbox"/>
Department	<input type="checkbox"/>
Program	<input type="checkbox"/>
Contact Name	<input type="checkbox"/>
Cost Center, Fund, and G/L Account	<input type="checkbox"/>
Vendor Information (SAP Vendor #)	<input type="checkbox"/>
Contract Status, Title, Type, and Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date, Effective Date, and Expiration Date	<input type="checkbox"/>
Contract Absolute End Date (No Additional Renewals/Extensions)	<input type="checkbox"/>
Material Group	<input type="checkbox"/>
Contract Documents Uploaded in CM database (Contract Form with County Attorney/ Risk Management/ Purchasing Approval; Signed/Executed Contract)	<input type="checkbox"/>
"Right To Audit" Clause Included in Contract	<input type="checkbox"/>
Monitored items: Uploaded to database (Insurance, Bonds, etc.)	<input type="checkbox"/>

**Deborah Thomas**

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*ful*

**From:** Scott, Jeanette <Jeanette.Scott@brevardfl.gov>  
**Sent:** Monday, September 14, 2020 4:20 PM  
**To:** Deborah Thomas  
**Subject:** Item F.7 from 7/21/2020  
**Attachments:** 0650001-SJHP-Jr-Davis-CCM-10.pdf

Deborah,

One more...

As requested in the Clerk's Memo, please find attached the fully executed Change Order No. 10 for SJHP ITS work for item F.7 from the 7/21/2020 meeting.

Jeanette

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**From:** Scott, Jeanette  
**Sent:** Monday, September 14, 2020 4:14 PM  
**To:** Deborah Thomas <deborah.thomas@brevardclerk.us>  
**Subject:** RE: Item I.1 ILA with Palm Bay from 4/21/2020 meeting

I think I'm current now.

I just checked items from the May, July and August meetings.

I will need to send you the fully executed FDOT LAP agreement upon receipt from FDOT. It should be coming back soon.

Have a nice evening.

Jeanette

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**From:** Deborah Thomas <deborah.thomas@brevardclerk.us>  
**Sent:** Monday, September 14, 2020 4:05 PM  
**To:** Scott, Jeanette <Jeanette.Scott@brevardfl.gov>  
**Subject:** RE: Item I.1 ILA with Palm Bay from 4/21/2020 meeting

**[EXTERNAL EMAIL] DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.**

Oh my lol

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**From:** Scott, Jeanette <Jeanette.Scott@brevardfl.gov>  
**Sent:** Monday, September 14, 2020 3:58 PM  
**To:** Deborah Thomas <deborah.thomas@brevardclerk.us>  
**Subject:** Item I.1 ILA with Palm Bay from 4/21/2020 meeting

Hello Deborah,

As requested in the Clerk's Memo, please find attached the executed and recorded Interlocal Agreement with Palm Bay for item I.1 from the 4/21/2020 Board meeting.

Thank you,  
Jeanette Scott  
Public Works Department  
Contracts Administrator  
2725 Judge Fran Jamieson Way, Room A-201  
Viera, FL 32940  
321-617-7202  
Extension 58316

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."

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**Under Florida law, all correspondence sent to the Clerk's Office, which is not exempt or confidential pursuant to Chapter 119 of the Florida Statutes, is public record. If you do not want the public record contents of your e-mail address to be provided to the public in response to a public records request, please do not send electronic mail to this entity. Instead, contact this office by phone or in writing.**

"Under Florida Law, email addresses are Public Records. If you do not want your e-mail address released in response to public record requests, do not send electronic mail to this entity. Instead, contact this office by phone or in writing."



Kimberly Powell, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001  
Fax: (321) 264-6972  
Kimberly.Powell@brevardclerk.us

July 22, 2020

MEMORANDUM

TO: Marc Bernath, Public Works Director

RE: Item F.7. Construction Contract Change Order No. 10 for the Intelligent Transportation System Phase 2 Construction for the St. Johns Heritage Parkway Northern Segment

The Board of County Commissioners, in regular session on July 21, 2020, executed and approved the Contract Change Order No. 10, in the amount of \$298,910.49 to Jr. Davis Construction, Co., Inc. for the construction of the Intelligent Transportation System Phase 2 work for the St. Johns heritage Parkway Northern Segment; and approved any necessary Budget Change Requests. Enclosed are two executed Contracts.

**Upon execution by of all parties, please return a fully-executed Contract to this office for inclusion of the official minutes.**

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*for: Denna Scott*  
Kimberly Powell, Deputy Clerk

/ds

Encls. (2)

cc: Contracts Administration  
Finance  
Budget



BOARD OF COUNTY COMMISSIONERS

**Public Works Department**

2725 Judge Fran Jamieson Way  
Building A, Room 201  
Viera Florida 32940  
321-617-7202

**Contract Change Order #10**

**Originating Department: Public Works Department**

**Contract Number: 4256**

**Project Title:** St. Johns Heritage Parkway (S.J.H.P.) Northern Segment

**Original Contract Amount:** \$10,482,615.27

**List Previous Change Orders (C.O.) by Number and Price:** C.O.#1 \$3,450.00, C.O.#2 \$24,900.75, C.O.#3 \$22,405.39, C.O.#4 \$38,966.55, C.O.#5 \$63,368.50, C.O.#6 \$3,816.33, C.O.#7 \$551,200.04, C.O.#8 \$950.00, C.O.#9 \$23,867.26

**Proposed Change Order Description and Cost:**

DRMP submitted the Intelligent Transportation System (I.T.S.) Phase II revision to Brevard County as Engineering Revision #6 to the S.J.H.P. Northern Project on April 2, 2020. This revision expands the original I.T.S. work scope to include improvements along the S.J.H.P. from State Road 500 (US 192) to the Ellis I-95 Interchange. Jr. Davis Construction, Inc. (J.D.C.) submitted Request for Information (R.F.I.) #17 on June 25, 2020 with the proposal for Engineering Revision #6. J.D.C. has requested an additional \$298,910.49 and 42 calendar days to complete the additional I.T.S. Phase II improvements. The proposal is acceptable to County staff and the Engineer of Record.

F.D.O.T. confirmed on November 19, 2019 that the additional work is eligible for reimbursement per the terms of the executed County Incentive Grant Program Agreement and corresponding Supplemental Agreement.

On April 21, 2020, the Board of County Commissioners approved Change Order #7 which included Board pre-approval for a change order estimated up to \$285,000 for the I.T.S. Phase II work. The actual cost exceeds the pre-approved value and requires additional Board action. Furthermore, J.D.C. has requested to be released from third party damages. *Per Notice of Substantial Completion – Bid No. B-4-19-28, received June 19, 2020, the work is at a level of completion and the Owner has occupied the work for use, Jr. Davis Construction Company, Inc., shall not be held liable for damages to the work related to the actions of any third party, as of June 2, 2020. Third Party shall be defined as any party that is not doing any type of work under the subject contract No. 4256 dated February 14, 2019, including all change orders, and/or under the Public Construction Bond (Bond No. 30058004). Jr. Davis Construction Company, Inc. shall continue to be responsible for all warranty and performance*

*obligations under the subject contract No. 4256 dated February 14, 2019, including all change orders, and the Public Construction Bond (Bond No. 30058004). Should any dispute and/or claim arise related to contract No. 4256 (including all past and future change orders), such dispute and/or claim shall be addressed by the dispute provisions under the subject contract.*

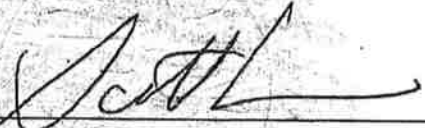
The I.T.S. Phase II improvements will result in a maximum net increase of \$298,910.49, and an additional forty-two calendar days added to the contract time. The current final completion date of January 18, 2021 will change to March 1, 2021.




**Signature page for Contract Change Order 10, Contract Number 4256**

Approvals:

Attest:

  
Scott Ellis, Clerk


Board of County Commissioners of  
Brevard County, Florida

By:   
Bryan Andrew Lober, Chair  
As approved by the Board on July 21, 2020

Approved for legal form and content:


  
County Attorney

  
Wayne Chalifoux, P.E.  
Engineer of Record, DRMP

  
Marc Bernath, Public Works Director  
Brevard County

Jr. Davis Construction Co., Inc.

ACKNOWLEDGMENT  
STATE OF FLORIDA  
COUNTY OF OSCEOLA

By:   
James B. Davis, Jr., President MG  
(Corporate Seal)

I hereby certify that on this day, before me, an officer duly authorized in the state and county aforesaid to take acknowledgments, personally appeared James B. Davis, Jr. known to be the President of Jr. Davis Construction Co., Inc., who executed the foregoing instrument, and they acknowledged before me that they executed the same.

Witness my hand and official seal, 27th day of July, 2020.

Notary Public  
State of Florida

My Commission Expires:



LISA K. GIARDINA  
Commission # GG 932933  
Expires December 15, 2023  
Bonded Thru Budget Notary Services



**Signature page for Contract Change Order 10, Contract Number 4256**

Approvals:

Attest:

  
\_\_\_\_\_  
Scott Ellis, Clerk

Board of County Commissioners of  
Brevard County, Florida

By:   
\_\_\_\_\_  
Bryan Andrew Lober, Chair  
As approved by the Board on July 21, 2020

Approved for legal form and content:

  
\_\_\_\_\_  
County Attorney

\_\_\_\_\_  
Wayne Chalifoux, P.E.  
Engineer of Record, DRMP

  
\_\_\_\_\_  
Marc Bernath, Public Works Director  
Brevard County

Jr. Davis Construction Co., Inc.

ACKNOWLEDGMENT  
STATE OF FLORIDA  
COUNTY OF OSCEOLA

By: \_\_\_\_\_  
James B. Davis, Jr., President  
(Corporate Seal)

I hereby certify that on this day, before me, an officer duly authorized in the state and county aforesaid to take acknowledgments, personally appeared \_\_\_\_\_ known to be the President of Jr. Davis Construction Co., Inc., who executed the foregoing instrument, and they acknowledged before me that they executed the same.

Witness my hand and official seal, \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Notary Public  
State of Florida  
My Commission Expires:

St. John's Heritage Parkway - North Section  
 Project #0650001  
 Change Order #10

Item Number	Description	Reference	Unit		Previous Contract		Revised Contract		New Change	
			Price	Unit	Quantity	Amount	Quantity	Amount	Quantity	Amount
102-1D	Maintenance of Traffic (Phase II ITS)	RFI#17	5,601.48	LS	0	\$0.00	1	\$5,601.48	1	\$5,601.48
830-2-11B	Conduit (F&I) (Open Trench)	RFI#17	9.41	LF	0	\$0.00	25	\$235.25	25	\$235.25
830-2-14A	Conduit (F&I) (Aboveground)	RFI#17	58.90	LF	0	\$0.00	16	\$942.40	16	\$942.40
833-1-121A	Fiber Optic Cable, F&I, Underground, 2-12 Fibers	RFI#17	2.64	LF	0	\$0.00	381	\$1,005.84	381	\$1,005.84
833-2-31C	Fiber Optic Connection, Install, Splice	RFI#17	41.07	EA	0	\$0.00	24	\$985.68	24	\$985.68
833-3-11A	Fiber Optic Connection, Hardware, F&I, Splice Enclosure	RFI#17	860.00	EA	0	\$0.00	2	\$1,720.00	2	\$1,720.00
833-3-12A	Fiber Optic Connection, Hardware, F&I, Splice Tray	RFI#17	58.68	EA	0	\$0.00	2	\$117.36	2	\$117.36
833-3-15A	Fiber Optic Connection, Hardware, F&I, Preterminated Patch Panel	RFI#17	1,754.34	EA	0	\$0.00	2	\$3,508.68	2	\$3,508.68
839-1-122	Electrical Power Service, F&I, Underground	RFI#17	2,901.19	AS	0	\$0.00	1	\$2,901.19	1	\$2,901.19
839-2-1	Electrical Service Wire, F&I	RFI#17	8.80	LF	0	\$0.00	6778	\$59,646.40	6778	\$59,646.40
839-3-11	Electrical Service Disconnect, F&I, Pole Mount	RFI#17	1,942.82	EA	0	\$0.00	2	\$3,885.64	2	\$3,885.64
839-6-1	Electrical Power Service, Transformer, F&I	RFI#17	2,882.15	EA	0	\$0.00	3	\$8,646.45	3	\$8,646.45
841-2-12	Prestressed Conc Pole, F&I, Type P-II, Service Pole	RFI#17	1,278.66	EA	0	\$0.00	2	\$2,557.12	2	\$2,557.12
841-3-163	Conc CCTV Pole, F&I, W/Lowering Device, 63'	RFI#17	26,032.95	EA	0	\$0.00	1	\$26,032.95	1	\$26,032.95
841-3-169	Conc CCTV Pole, F&I, W/Lowering Device, 69'	RFI#17	31,760.94	EA	0	\$0.00	1	\$31,760.94	1	\$31,760.94
876-2-122	ITS Cabinet, F&I, Pole Mount, W/Sunshield 3385	RFI#17	10,826.26	EA	0	\$0.00	2	\$21,652.52	2	\$21,652.52
882-1-133	ITS CCTV Camera, F&I, Dome Enclosure-Non Pressurized	RFI#17	7,620.91	EA	0	\$0.00	6	\$45,725.46	6	\$45,725.46
884-1-1A	Managed Field Ethernet Switch, F&I	RFI#17	4,688.02	EA	0	\$0.00	2	\$9,376.04	2	\$9,376.04
885-1-11	Uninterruptible Power Supply, F&I Line Interactive	RFI#17	9,014.34	EA	0	\$0.00	2	\$18,028.68	2	\$18,028.68
870-1-2	Performance Turf, Sod	RFI#17	2.90	SY	123151.3	\$357,138.77	123951.3	\$359,458.77	800	\$2,320.00
107-2B	Mowing	RFI#17	112.07	AC	0	\$0.00	41	\$4,594.87	41	\$4,594.87
101-1C	Mobilization	RFI#17	21,528.34	LS	0	\$0.00	1	\$21,528.34	1	\$21,528.34
N/A	Project Superintendent	RFI#17	871.24	DY	0	\$0.00	30	\$26,137.20	30	\$26,137.20
<b>Totals</b>								<b>\$357,138.77</b>	<b>\$656,049.26</b>	<b>\$298,910.49</b>