



Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Consent

F.1.

4/21/2020

Subject:

Approval Re: Change Order No. 4B for the Pineda Causeway Grade Separation Overpass - District 4

Fiscal Impact:

\$377,123.58 from the State of Florida Department of Transportation (F.D.O.T.) Joint Participation Agreement grant fund. Any costs not reimbursed by F.D.O.T. for Change Order No. 4B will be reimbursed by the City of Melbourne pursuant to the existing Interlocal Agreement. The County will not incur any costs for Change Order No. 4B.

Dept/Office:

Public Works Department/Finance and Contracts Administration

Requested Action:

It is requested the Board of County Commissioners approve and authorize the Chair to execute Change Order No. 4B in the amount of \$377,123.58. It is further requested the Board approve any necessary Budget Change Requests associated with this action.

Summary Explanation and Background:

The County and the State of Florida Department of Transportation entered into the Joint Participation Agreement for the Pineda Causeway Grade Separation Overpass project in December 2011. In July 2017, the City of Melbourne and the County entered into an Interlocal Agreement to facilitate the relocation of the City's water main within the project limits.

The County issued the Notice to Proceed to SEMA Construction, Inc. effective July 9, 2018. Following commencement of construction, the contractor encountered unforeseen constructability issues related to existing underground utilities owned by the City of Melbourne. These issues created the need for additional work and significantly impacted the project schedule. On October 22, 2019, the Board approved Change Order 4A which addressed the labor, materials, and equipment costs associated with the additional work due to these unforeseen constructability issues. As indicated on Change Order No. 4A, Change Order No. 4B will address the schedule impacts and contract time extension along with any and all associated costs.

Contract Change Order No. 4B was prepared by the Engineer of Record (DRMP, Inc.) and the Public Works Department and reviewed by the City of Melbourne and the contractor. Due to the schedule impacts associated with the underground utilities, Change Order No. 4B will result in a net increase of \$377,123.58 to the contract amount, and 192 calendar days will be added to the contract time. Note that 39 of the 192 calendar days are non-compensable; as such, the Maintenance of Traffic and Field Office line items are extended by 153 compensable calendar days as indicated on the Adjusted Pay Items attachment. The revised completion date is November 12, 2020.

In accordance with Administrative Order-29, Contract and Grant Administration, change orders greater than \$100,000 require Board approval. It is anticipated the cost associated with Change Order 4B fall within the scope of the Joint Participation Agreement, and the costs should be reimbursable by F.D.O.T. Any costs not reimbursed by F.D.O.T. for Change Order No. 4B will be reimbursed by the City of Melbourne pursuant to the aforementioned Interlocal Agreement.

Clerk to the Board Instructions:

Please return the Contract Change Order No. 4B for the Pineda Causeway Grade Separation Overpass to the Public Works Department for further execution.

**BREVARD COUNTY
BOARD OF COUNTY COMMISSIONERS**

INITIAL CONTRACT REVIEW AND APPROVAL FORM

SECTION I - GENERAL INFORMATION

1. Contractor: SEMA Construction, Inc.	
2. Fund/Account #: 1700/344927	3. Department Name: Public Works
4. Contract Description: Contract Change Order #4B - Pineda Causeway Overpass	
5. Contract Monitor: Jeanette Scott on behalf of Public Works	7. Contract Type:
6. Dept/Office Director: Corrina Gumm, P.E., Interim Director	CONSTRUCTION

SECTION II - REVIEW AND APPROVAL TO ADVERTISE

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

SECTION III - REVIEW AND APPROVAL TO EXECUTE

COUNTY OFFICE	APPROVAL		SIGNATURE
	YES	NO	
User Agency	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Thomas-Wood, Tammy <small>Digitally signed by Thomas Wood, Tammy DN: cn=Thomas Wood, Email=tmw@brevard.gov Date: 2020.04.14 08:54:28 -04'00'</small>
Risk Management	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Lairsey, Matt <small>Digitally signed by Lairsey, Matt Date: 2020.04.14 08:54:28 -04'00'</small>
County Attorney	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Brewer, Jad <small>Digitally signed by Brewer, Jad Date: 2020.04.13 16:58:42 -04'00'</small>

SECTION IV - CONTRACTS MANAGEMENT DATABASE CHECKLIST

CM DATABASE REQUIRED FIELDS	Complete ✓
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	<input type="checkbox"/>
Contract Title	<input type="checkbox"/>
Contract Type	<input type="checkbox"/>
Contract Amount	<input type="checkbox"/>
Storage Location (SAP)	<input type="checkbox"/>
Contract Approval Date	<input type="checkbox"/>
Contract Effective Date	<input type="checkbox"/>
Contract 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 (Initial Contract Form with County Attorney/ Risk Management 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"/>



April 22, 2020

MEMORANDUM

TO: Corrina Gumm, Interim Public Works Director

RE: Item F.1., Approval for Change Order No. 4B for the Pineda Causeway Grade Separation Overpass

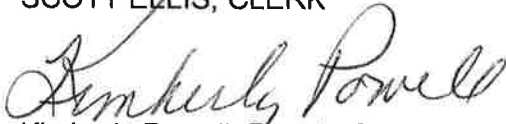
The Board of County Commissioners, in regular session on April 21, 2020, approved and authorized the Chair to execute Change Order No. 4B in the amount of \$377,123.58; and approved any necessary budget change requests associated with this action. Enclosed is an executed contract.

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

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK


Kimberly Powell, Deputy Clerk

Encl. (1)

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 #4B

Originating Department: Public Works Department

Project Title: Pineda Causeway Overpass/Project#1240002

Contract Number: 3961

Original Contract Amount: \$13,595,595.00

List of Previous Contract Change Orders (C.O.) by Number and Price:

C.O.#1 - \$11,262.67, C.O.#2 - \$36,132.93, C.O.#3 - \$9,154.88, C.O.#4A - \$542,216.32, C.O.#5 - \$540.00, C.O.#6 - \$10,872.86.

Proposed Contract Change Order Description and Cost:

Contract Change Order #4B (C.O.#4B) is requested due to encountered unforeseen constructability issues related to existing underground utilities. These issues caused significant impacts to the project schedule and created the need for additional work. C.O.#4A addressed the labor, materials, and equipment costs associated with the additional work due to these unforeseen constructability issues, and was approved by the Board on October 22, 2019. As indicated in C.O.#4A, which is attached and incorporated herein as Exhibit B, C.O.#4B shall address all of the schedule impacts, and identifies extension of the contract time along with any and all associated costs related thereto.

Due to the schedule impacts associated with the underground utilities, Contract C.O.#4B will result in a net increase of \$377,123.58 to the contract amount, and 192 calendar days will be added to the contract time. Note that 39 of the 192 calendar days are non-compensable, hence the Maintenance of Traffic and Field Office line items are extended by 153 compensable calendar days as indicated on the attached Exhibit A: C.O.#4B Adjusted Pay Items. The revised completion date is now November 12, 2020.

Brevard County (Owner) and SEMA Construction, Inc. (Contractor) agree the contract time adjustment and sum agreed to in C.O.#4B constitute a full and complete settlement and release of any and all claims on the Project to April 15, 2020, including as to all issues raised or could be raised herein. This includes all claims for direct and indirect costs for equipment, manpower, materials, overhead, profit and delay relating to the Project, including as to all issues raised herein, as more defined below.

"CLAIM" or "CLAIMS" is defined as and shall refer to any and all claims, demands, liabilities, damages, complaints, causes of action, negligent acts, negligent omissions, breaches of contract, economic damages, non-economic damages, diminution in value, loss of use, loss of efficiency, idle equipment,

schedule delays, including attorneys' fees and costs, investigative costs, relocation costs, any and all damages recoverable for delays, and any other actionable omissions, conduct or damage of every kind and nature whatsoever, whether seen or unforeseen, whether known or unknown, whether in law or equity, whether heretofore asserted, which now exist, has ever existed, or hereafter may exist, which the parties ever had, may now have or may hereafter have by reason of any act or omission, matter, cause or thing arising out of or connected with the planning, development, design, engineering, engineering revisions, utility conflicts, construction, supervision, materials, or repair of same on the Project to date.

SEMA Construction, Inc. acknowledges the County's right to continue to enforce all provisions of the Contract thru completion of the Project. This includes provisions as to no damages for delay including with any future unforeseen utility conflicts and potential schedule delays and impacts.

F.1
2/2

Signature page for Contract Change Order #4B, Contract Number 3961

Approvals:

John R. Burkett, P.E., DRMP, Inc.
Engineer of Record

Rachel Gerena, P.E., Public Works Engineering
Brevard County

Ralph Reigelsperger, Public Works Director
City of Melbourne

Corrina Gumm, Interim Public Works Director
Brevard County

Attest:

Board of County Commissioners of
Brevard County, Florida



Scott Ellis, Clerk

By: 

Bryan Lober, Chair

As approved by the Board on: April 21, 2020

SEMA Seal

SEMA Construction, Inc.

By: _____
Bradley J. Spies, Vice President

ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

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 _____ of SEMA Construction 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:

Exhibit A: Adjusted Pay Items

Pineda Causeway Overpass Change Order 4B

Project #1240002

Contract #3961

Pay Item No.	Description	Reference	Unit Price	Unit	Previous Contract		Revised Contract		New Change	
					Quantity	Amount	Quantity	Amount	Quantity	Amount
102-1-B	MAINTENANCE OF TRAFFIC (Pro rata)	RFI#20 & 21	704.23	ED	0	\$0.00	144	\$101,409.12	144	\$101,409.12
109-71-1	FIELD OFFICE (300 SQ FT)	RFI#20 & 21	100.00	ED	639	\$63,900.00	783	\$78,300.00	144	\$14,400.00
109-71-2	FIELD OFFICE (600 SQ FT)	RFI#20 & 21	100.00	ED	639	\$63,900.00	783	\$78,300.00	144	\$14,400.00
919-21.1-01	OVERHEAD-LABOR & EQUIPMENT	RFI#20 & 21	227,480.218	LS	0	\$0.00	1	\$227,480.218	1	\$227,480.218
102-1-C	MAINTENANCE OF TRAFFIC (Pro rata)	RFI#51	704.23	ED	0	\$0.00	9	\$6,338.07	9	\$6,338.07
109-71-1	FIELD OFFICE (300 SQ FT)	RFI#51	100.00	ED	783	\$78,300.00	792	\$79,200.00	9	\$900.00
109-71-2	FIELD OFFICE (600 SQ FT)	RFI#51	100.00	ED	783	\$78,300.00	792	\$79,200.00	9	\$900.00
919-21.1-02	OVERHEAD-LABOR & EQUIPMENT	RFI#51	11,296.176	LS	0	\$0.00	1	\$11,296.18	1	\$11,296.18
Totals						\$284,400.00		\$661,523.58		\$377,123.58

RFI: Request for Information

Exhibit B



BOARD OF COUNTY COMMISSIONERS

Public Works Department
2725 Judge Fran Jamieson Way
Building A, Room 201
Viera Florida 32940

Contract Change Order #4A

Contract Number: 3961

Originating Department: Public Works Department

Project Title: Pineda Causeway Overpass/Project#1240002

Original Contract Amount: \$13,595,595.00

List Previous Contract Modifications by Number and Price: CO#1 \$11,262.67, CO#2 \$36,132.93, CO#3 \$9,154.88

Proposed Contract Change Order Description and Cost:

This request for a Contract Change Order (C.O.) is due to encountering unforeseen constructability issues related to existing underground utilities. These issues have created both the need for additional work and significant impacts to the project schedule. C.O. #4-A addresses the labor, materials, and equipment costs associated with the additional work. A future C.O. #4-B will address the delay component and will identify extension of the contract time along with any associated costs.

Request for Information (RFI) #19 was generated due to discovering that the location of an existing 4" force main was in conflict with a proposed 42" RCP storm pipe. RFI #19 was previously addressed in the County's C.O. #2 which was executed in December 2018. The resulting work was completed in January 2019.

In this current C.O., RFI #19 is revisited as there was required exploratory work performed by SEMA's subcontractor in October 2018 that was not identified in C.O. #2. Item No. 1050-1 will be added to account for the labor and equipment that was needed to dewater, excavate, and explore the area near the existing force main.

This additional work will result in an increase of \$3,248.07 to the contract amount.

RFIs #20 and #21 were generated due to unforeseen constructability issues related to the cased watermain (WM) crossings beneath the Florida East Coast right-of-way (FEC ROW) and beneath the Florida Department of Transportation's (FDOT) eastbound ramp to Highway US 1. A significant re-design of the WM system adjacent to and east of the FEC ROW and in proximity to FDOT's ramp was necessary to improve constructability and provide ease of long-term maintenance. Consequently Revisions 1 and 2 of the City of Melbourne Water Main Relocation Plans were developed. As shown on the attachment, many Item Nos. are affected by these RFIs, the associated plan revisions, and ensuing work.

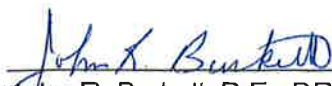
This additional work associated with RFIs#20 and #21 will result in an increase of \$537,814.81 to the contract amount.

RFI#51 was generated as an additional sample point for the newly constructed WM adjacent to the FEC ROW was needed for the water quality testing process. Time was of the essence for this WM work, and in a cooperative effort, City of Melbourne personnel installed the sample point after the County's contractor SEMA unburied the WM, providing the necessary access. The quantity of Item No. 1080 11112 will increase by one (1) and an associated Item No. 1080 11112-1 will be added to account for the labor and equipment required to expose and then bury the WM.

Handling the WM sample point as described above will result in an increase of \$1,153.44 to the contract amount.

This Contract C.O. #4-A will result in a net increase of \$542,216.32 to the contract amount.

Signature page for Change Order #4A, Contract Number 3961


John R. Burkett, P.E., DRMP, Inc.


Ralph Reigelsperger, City of Melbourne
Public Works Director


Rachel Gerena, P.E., Public Works Engineering


Corrina Gumm, Interim Public Works Director

Attest:


Scott Ellis, Clerk

Board of County Commissioners
of Brevard County, Florida

By: 
Kristine Ishardi, Chair
As approved by the Board on: 10/22/19

Reviewed for legal form and content:


Assistant County Attorney

Attest:



SEMA Construction, Inc.

By: 
Steven G. Mills, Vice President-Contracts
Bradley Spies, President SE District.

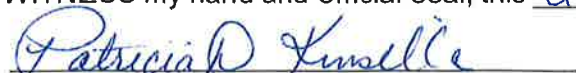


ACKNOWLEDGMENT

STATE OF FL
COUNTY OF Orange

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state and county aforesaid to take acknowledgments, personally appeared Steven G. Mills to me known to be the Vice President-Contracts of SEMA Construction Inc., who executed the foregoing instrument, and they acknowledged before me that they executed the same.

WITNESS my hand and official seal, this 21st day of November, 2019.



Notary Public
State of FL
My commission expires: 11/18/23



Patricia D. Kinsella
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG922834
Expires 11/18/2023

Pineda Causeway Overpass
 Project #1240002 - Contract 63981
 Change Order #4A

Item Number	Description	Reference	Unit	Unit	Previous Contract		Revised Contract		New Change	
					Quantity	Amount	Quantity	Amount	Quantity	Amount
1050-1	UTILITY PIPE, EXPLORATION, (4" PVC FM)	RF1919	3,248.07	LB	0	\$0.00	1	\$3,248.07	1	\$3,248.07
1050 42218	UTILITY PIPE, F&I, HDPE, WATER/SEWER, 18"	RF1920 & 21	782.95	LF	0	\$0.00	104	\$81,531.01	104	\$81,531.01
1050 12510	UTILITY PIPE-STEEL, FURNISH, 30" CASING, (WELDED)	RF1920 & 21	213.63	LF	0	\$0.00	187	\$39,929.80	187	\$39,929.80
425 2 52-1	MANHOLE 3'-9"-10, FURNISH, (ACCESS VAULT)	RF1920 & 21	4,157.50	EA	0	\$0.00	1	\$4,157.50	1	\$4,157.50
102-2-18	T&E, SPECIAL DETOUR, 1, RESTORATION	RF1920 & 21	10,352.36	LB	0	\$0.00	1	\$10,352.36	1	\$10,352.36
102-71-13	BARRIER WALL, TEMPORARY, F&I, LOW PROFILE, CONCRETE	RF1920 & 21	48.00	LF	0	\$0.00	225	\$10,800.00	225	\$10,800.00
400-1-15	CONCRETE CLASS 1, MISCELLANEOUS	RF1920 & 21	1,100.00	CY	0	\$0.00	5	\$5,500.00	5	\$5,500.00
1050 11424	UTILITY PIPE, F&I, DUCI, WATER/SEWER, 8-19.9" (8")	RF1920 & 21	110.00	LF	299	\$32,890.00	200	\$22,000.00	-99	\$10,890.00
1050 11424	UTILITY PIPE, F&I, DUCI, WATER/SEWER, 8-19.9" (16")	RF1920 & 21	139.00	LF	1412	\$183,540.00	1693	\$207,030.00	181	\$23,530.00
1050 18005	UTILITY PIPE, PLUG & PLACE OUT OF SERVICE, 30-49.9" (EXISTING 30" CASING)	RF1920 & 21	379.58	LF	0	\$0.00	191	\$72,499.78	191	\$72,499.78
1050 18005	UTILITY PIPE, PLUG & PLACE OUT OF SERVICE, 30-49.9" (EXISTING 36" CASING, END TREATMENT, WELDING)	RF1920 & 21	38,286.76	EA	0	\$0.00	2	\$76,573.52	2	\$76,573.52
1050 18005	UTILITY PIPE, PLUG & PLACE OUT OF SERVICE, 20-49.9" (EXISTING 36" CASING, END TREATMENT, MASONRY PLUG)	RF1920 & 21	21,633.88	EA	0	\$0.00	2	\$43,267.76	2	\$43,267.76
1050 51130	UTILITY PIPE, STEEL, F&I CASING, 30"	RF1920 & 21	239.00	LF	321	\$73,830.00	124	\$30,620.00	-197	\$43,210.00
1050 51130-2	UTILITY PIPE, STEEL, F&I CASING, 30" 17/32" THICK WALL	RF1920 & 21	1,787.84	LF	0	\$0.00	110	\$194,462.82	110	\$194,462.82
1055 11414	UTILITY FITTINGS, F&I, DUCI, ELBOW, 8-19.9" (8")	RF1920 & 21	360.00	EA	19	\$6,840.00	21	\$7,560.00	2	\$720.00
1055 11414	UTILITY FITTINGS, F&I, DUCI, ELBOW, 8-19.9" (16")	RF1920 & 21	1,300.00	EA	28	\$36,400.00	25	\$32,500.00	-3	-\$3,900.00
1055 11414-1	UTILITY FITTINGS, MATERIAL CREDIT, DUCI, ELBOW, 8-19.9" (16")	RF1920 & 21	227.19	EA	0	\$0.00	3	\$681.57	3	\$681.57
1055 11454	UTILITY FITTINGS, F&I, DUCI, CAP/PLUG, 8-19.9" (8" CAP)	RF1920 & 21	4,800.00	EA	5	\$24,000.00	7	\$33,600.00	2	\$9,600.00
1055 11454	UTILITY FITTINGS, F&I, DUCI, CAP/PLUG, 8-19.9" (12" CAP)	RF1920 & 21	7,600.00	EA	3	\$22,500.00	2	\$15,000.00	-1	-\$7,500.00
1055 11454	UTILITY FITTINGS, F&I, DUCI, CAP/PLUG, 8-19.9" (16" CAP)	RF1920 & 21	8,600.00	EA	9	\$77,400.00	10	\$86,000.00	1	\$8,600.00
1060 11404	UTILITY FIXTURES, F&I, 8" - 19.9", VALVE ASSEMBLY, (8" GV)	RF1920 & 21	1,400.00	EA	1	\$1,400.00	3	\$4,200.00	2	\$2,800.00
1060 11404	UTILITY FIXTURES, F&I, 8" - 19.9", VALVE ASSEMBLY, (16" GV)	RF1920 & 21	7,500.00	EA	2	\$15,000.00	5	\$37,500.00	3	\$22,500.00
1080 11404	UTILITY FIXTURES, F&I, 8" - 19.9", VALVE ASSEMBLY, (16" GV SIDE ACTUATED)	RF1920 & 21	6,800.00	EA	4	\$27,200.00	3	\$20,400.00	-1	-\$6,800.00
1080 24600	UTILITY FIXTURES, VALVE ASSEMBLY, REMOVE, (8" GATE VALVE)	RF1920 & 21	2,228.85	EA	0	\$0.00	2	\$4,457.69	2	\$4,457.69
1644115 08	FIRE HYDRANT, STANDARD, F&I, 3 WAY, 2 HOSE, 1 PUMPER, 8"	RF1920 & 21	3,600.00	EA	2	\$7,200.00	1	\$3,600.00	-1	-\$3,600.00
1644115 08-2	FIRE HYDRANT, 8" GURY, F&I, 3 WAY, 2 HOSE, 1 PUMPER, 8"	RF1920 & 21	12,516.35	EA	0	\$0.00	1	\$12,516.35	1	\$12,516.35
625 2 32	MANHOLE 3'-9"-10, FURNISH, (ACCESS VAULT)	RF1920 & 21	10,000.00	EA	1	\$10,000.00	0	\$0.00	-1	-\$10,000.00
1080 11112	UTILITY FIXTURE, SAMPLE POINT, F&I	RF1951	650.00	EA	13	\$7,700.00	13	\$7,700.00	1	\$650.00
1080 11112-1	UTILITY FIXTURE, SAMPLE POINT, F&I LABOR & EQUIPMENT	RF1951	553.44	EA	0	\$0.00	1	\$553.44	1	\$553.44
Totals						\$526,420.00		\$1,067,636.32		\$542,216.32