

# TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

**TO:** Mayor and Councilmembers  
**FROM/PHONE:** Larry A. Peters, P.E. /797-1114 by Herb Hyman/797-1016  
**SUBJECT:** Resolution

**AFFECTED DISTRICT:** District 4

**TITLE OF AGENDA ITEM:** A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 1 TO THE CONTRACT BETWEEN THE TOWN AND ENGINEER CONTROLS SYSTEMS CORP. FOR THE CONSTRUCTION OF VISTA FILARE DRAINAGE IMPROVEMENTS.

**REPORT IN BRIEF:** The Town Council previously awarded a contract to Engineer Controls Systems Corp. for the construction of Vista Filare Drainage Improvements by Resolution R-2004-199.

The original contract documents were designed in anticipation of receiving easements from eight homeowners.

In order to expedite the construction, prior to the rainy season, the Town issued the contract to begin the project without receiving an easement from one homeowner (Lot #5).

Subsequently, we have not acquired the easement and have redesigned the system to jog around the proposed easement into an existing drainage easement. This change order reflects the additional cost of \$60,476. for the realignment.

**PREVIOUS ACTIONS:** Contract awarded by Resolution R-2004-199

**CONCURRENCES:** The change order has been reviewed by the Town Engineer, the Town's Consulting Engineer (Chen & Associates) and the Bid Specification Committee.

**FISCAL IMPACT:**

Cost: \$60,476.

Account Name: Capital Improvement Program 030-3001-515-6801

**RECOMMENDATION(S):** Motion to approve the resolution.

**Attachment(s):**

Change Order Number 1 with backup

Letter of Recommendation from Project Engineer

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE CHANGE ORDER NUMBER 1 TO THE CONTRACT BETWEEN THE TOWN AND ENGINEER CONTROLS SYSTEMS CORP. FOR THE CONSTRUCTION OF VISTA FILARE DRAINAGE IMPROVEMENTS.

WHEREAS, the Town previously awarded a contract to Engineer Controls Systems Corp. for the construction of Vista Filare Drainage Improvements by Resolution R-2004-199; and

WHEREAS, a change order is necessary due to the realignment of the system; and

WHEREAS, this change will facilitate completion of the project.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. The Town Council hereby authorizes the Mayor to execute Change Order Number 1 which results in a net increase of \$60,476.

SECTION 2. The Town Council hereby authorizes the expenditure from the Capital Improvement Program Account 030-3001-515-6801.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED \_\_\_\_ DAY OF \_\_\_\_\_, 2004

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

Attest:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2004

**LARGE ORDER**

No. 1

**PROJECT:** Vista Filare Drainage Improvements

**DATE OF ISSUANCE:** May 6, 2004

**OWNER:** Town of Davie  
(Name, 6591 Orange Drive  
Address) Davie, FL 33314

**CONTRACTOR:** Engineer Control Systems, Corp  
1175 NW 125 Street, #316  
North Miami, FL 33161

**OWNER'S PROJECT NO.** B-04-17

**ENGINEER/ARCHITECT:** Chen and Associates  
5100 NW 33 Avenue, Suite 250  
Ft. Lauderdale, FL 33309

**CONTRACT FOR:**  
Construction of Vista Filare Drainage Improvements

**ENG'R./ARCH. PROJECT NO.** 085.0080

You are directed to make the following changes in the Contract Documents.

**DESCRIPTION:** Re-route line in Lot #4 and Lot #5, add three (3) control structures and modify one conflict structure

**PURPOSE OF CHANGE ORDER:**

**ATTACHMENTS:** (List documents supporting change)

**CHANGE IN CONTRACT PRICE:**

**CHANGE IN**

**CONTRACT TIME:**

Original Contract Price  
\$ 360,500.  
(days or date)

Original Contract Time  
120 calendar days

Previous Change Orders No. 0 to No. 0

Net change from previous Change Orders  
\$ 0 (date)

Contract Price prior to this Change Order  
\$ 360,500.

Contract Time prior to this Change Order  
120 calendar days (days or date)

Net Increase (Decrease) of this Change Order  
\$ 60,476.

Net Increase) of this Change Order  
39 (date)

Contract Price with all Approved Change Orders  
Orders  
\$ 420,976

Contract Time with all approved Change  
159 (days or date)

**RECOMMENDED:**

**APPROVED:**

**APPROVED:**

by   
Engineer

by \_\_\_\_\_  
Town of Davie

by \_\_\_\_\_  
Contractor

# CHEN AND ASSOCIATES

Environmental Engineering • Project and Program Management • Value Engineering • Master Planning • GIS / Mapping • Grant / Loan Administration • Public Relations

December 3, 2004

Mr. Larry Peters, P.E.  
Town Engineer  
Town of Davie  
6591 Orange Drive  
Davie, Florida 33314-3399

Reference: Vista Filare Drainage Improvement Project – No. B-04-17  
Change Order

Dear Mr. Peters,

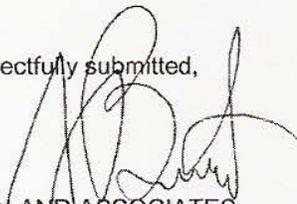
Please find attached a quote for the change order re-routing the drainage line to the north. After several weeks of discussion and modifying the change order, I believe that the contractor will not lower his quote of \$60,476.00.

Chen and Associates has reviewed the quote. Given the history of the project and the need to complete the work, we feel that it is in the Town's best interest to proceed with the change order and release the structural shop drawings as soon as possible.

The City of Sunrise verbally agreed to the signed and sealed drawings with the changes. They are in the process of expediting the permit to install the conflict structure on their utility line.

If you have any questions, please call me at 954 914 8488.

Respectfully submitted,



CHEN AND ASSOCIATES  
James Barton, P.E.  
Senior Engineer

# ENGINEER CONTROLS SYSTEMS

1175 Northeast 125 Street/ Suite 316/ North Miami, FL 33161 - Tel #: (305) 895-4376 - Fax #: (305) 895-0019

Email: [ecsconstruct@earthlink.net](mailto:ecsconstruct@earthlink.net)

Broward Co. CC# 00-1649 - W Florida DBPR CGC 007494

Friday December 2, 2004

PCO #1R2

Mr. James Barton  
Chen & Associates  
5100 NW 33<sup>rd</sup> Avenue  
Suite #250  
Ft. Lauderdale, FL 33309

## RE: Vista Filare Drainage Improvements - Additional Structures and Pipe

Dear Mr James Barton,

In reference to your request for 3 Additional Manholes, 45 Additional Lineal Feet of 42" Storm Drainage Line, Modify Conflict Manhole #3 per new detail, Downtime for Crews and Equipment October 14,15 & 18 pending approval of remobilization PCO #2. ECS has reviewed this new condition and presents the additional costs as follows:

**Additional Structures and Pipe (See Breakdown Attached).....\$60,476.00**

As previously indicated, there is a possibility in damage occurring to the Pools in Lots #4 & #5 and Concrete deck. Should it be required for the repair/replacement of the above, these costs shall be covered under separate cover via a Builders Risk policy, which is reflected in the breakdown attached.

The replacement of concrete pavers around pool in Lot #4 is accounted under item #12 as an allowance for \$3,000.00. The paver contractor shall be selected by the Town of Davie and paid under this change order. However, should the cost plus ECS's 15% Overhead and Profit exceed this allowance, Town of Davie shall reimburse ECS for additional cost.

### NOTES/EXCLUSIONS:

Town of Davie shall provide at there cost 1 Vactor Truck and Crew for time as needed to replace existing PVC pipe with DIP at conflict structure CB3 as per meeting w L. Peters - 11/22/04.

It was also agreed during the above meeting that should there be any increases in the specified quantities under this change order and/or increases above and beyond the original bid quantity items to cover any associated changes, will require an additional change order for these costs.

Should there be any changes or delays once the work in the above change order has begun, will result in additional charges.

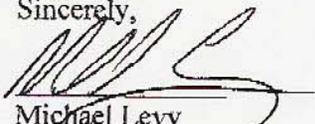
Engineer Controls Systems Corp shall require an extension of the Substantial Completion date from December 7, 2004 to **January 15, 2004** pending approval per stipulated date above.

Engineer Controls Systems Corp. specifically reserves and retains its rights to pursue its claims against The Town of Davie for the following:

1. Additional time extensions with regard to the items set forth in the change order and items specifically excluded but affected by this change order.
2. All monetary claims with regard to the time extensions contained in the change order and the subject matter thereof, and any additional time described in paragraph 1 above, arising from delay, disruption, interference acceleration and/or impacts to the project including but not limited, to those resulting from the actions or inactions of the Town of Davie, its agents and representatives including the architects and engineers. Engineer Controls Systems specifically reserves all claims for increased overhead, general conditions, or any other damage resulting from the above.

Nothing contained herein or in the change order to which this reservation applies shall operate to waive or release any of the claims reserved herein.

Sincerely,



Michael Levy  
Project Manager

cc: Town of Davie - L. Peters  
File

**PCO #1R2 - Alternate Route of 42" Line and Change to Conflict Structure per Chen & Assoc.**

ITEM #	ITEM DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	BID AMOUNT
	GENERAL				
1	Trench Safety	45	LF	2.51	\$ 112.95
2	Furnish and Install Top Slab	3	EA	780.00	\$ 2,340.00
3	Furnish and Install Manhole Cover	3	EA	820.00	\$ 2,460.00
4	Furnish and Install Large Type C (6'x5') Structure	3	EA	4100.00	\$ 12,300.00
5	Furnish and Install Solid 42" RCP Drainage Pipe	45	LF	140.00	\$ 6,300.00
6	Additional Survey for New Locations and Asbuilts of Boxes	1	LS	1610	\$ 1,610.00
7	Install and Remove Temporary Plug on CB #1	1	LS	1200.00	\$ 1,200.00
8	Asphalt Demolition @ Lift Station	1	LS	1380.00	\$ 1,380.00
9	Temporary Construction Fence	46	LF	12	\$ 552.00
10	Additional Sod due to increased working area - Include Maintenance & Water	1380	SF	0.6	\$ 828.00
11	Chain Link Fence @ Lift Station	55	LF	20	\$ 1,100.00
12	Pool Deck Repair Allowance	1	LS	\$3,000.00	\$ 3,000.00
13	<b>Modify Conflict Structure #3</b>				
	Labor - Crew and Equipment	1	LS	3307	\$ 3,087.00
	Materials	1	LS	3333	\$ 3,111.00
	Concrete Cutting of Existing Box	1	LS	1984	\$ 1,852.00
	Permit Allowance	1	LS	1200	\$ 1,200.00
	Crew and Equipment Downtime				
14	October 14,15 and 18 Downtime Demobilization and Remobilization change order - PCO #2	1	LS	12043	\$ 12,043.00
	Subtotal				\$ 54,475.95
	Bond Premium	0.02	%		\$ 1,089.52
15	Additional Insurance Policy to Cover \$109,980.00 as stipulated below for 1 year warranty period after Substantial Completion	1	LS	4910	\$4,910.00
	<b>TOTAL CHANGE ORDER</b>				<b>\$60,476.00</b>
	<b>Allowance Account to Be covered via Insurance Policy</b>				
	Possible Damage and Repair to Pool Lot #5	1	EA	43000	\$ 43,000.00
	Possible Damage to Concrete Deck around Pool Lot #5	40	SY	200	\$ 8,000.00
	Possible Damage Repair to Pool Lot #4	1	EA	43000	\$ 43,000.00
	Subtotal				\$ 94,000.00
	Overhead and Profit - 15%	0.15			\$ 14,100.00
	Bond Premium	0.02			\$ 1,880.00
	<b>TOTAL ALLOWANCE ACCOUNT</b>				<b>\$ 109,980.00</b>

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