

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

BLUE SHEET NO: 20031117

1. REQUESTED MOTION:

ACTION REQUESTED: Approve Change Orders Nos. 5 and 6 with Lodge Construction (Cont. # 2370) to add \$193,187.12 and \$94,698.02 respectively back to this construction management contract for the SW transfer station and allow Lodge Construction to purchase materials rather than the County. (Note: Does not affect the existing approved Guaranteed Maximum Price).

WHY ACTION IS NECESSARY: Contract change greater than \$50,000.00.

WHAT ACTION ACCOMPLISHES: Allows contractor to expeditiously purchase fill dirt, asphalt, etc. for construction.

2. DEPARTMENTAL CATEGORY:
COMMISSION DISTRICT #: CW

C8B

3. MEETING DATE:

09-30-2003

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

- (Specify)
- STATUTE
 - ORDINANCE
 - ADMIN. CODE, Contract Manual
 - OTHER

6. REQUESTOR OF INFORMATION:

- A. COMMISSIONER:
- B. DEPARTMENT: Lee County-Public Works
- C. DIVISION/SECTION: Solid Waste Division
- BY: Lindsey Sampson, Solid Waste Director

DATE:

9/16/03
Lindsey Sampson

BACKGROUND: When construction began on the transfer station Lodge Construction and the County agreed to certain "deduct" change orders to provide for direct purchases of specific materials by the County. Because of changes in the construction sequence and in the availability and quality of fill material, rock and asphalt, it is now more prudent to allow Lodge Construction, Inc. to purchase specific remaining required materials.

There is no change to the original contract Guaranteed Maximum Price due to these change orders.

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL

A DEPARTMENT DIRECTOR	B PURCH. OR CONTRACTS	C HUMAN RESOURCES	D OTHER	E COUNTY ATTORNEY	F BUDGET SERVICES				G COUNTY MANAGER
					OA	OM	Risk	GC	
<i>Jamie</i> 9-17-03	<i>JMCR</i> 9/17/03	<i>N.A.</i>		<i>[Signature]</i> 9/17/03	<i>P.M.</i> 9/17/03	<i>[Signature]</i> 9/18/03	<i>[Signature]</i> 9/18/03	<i>[Signature]</i> 9/17/03	<i>Jamie</i> 9-17-03

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

Rec. by CoAtty
Date: 9/17/03
Time: 2:35
Forwarded To:
City Admin
9-17-03/2YS

RECEIVED BY
COUNTY ADMIN: *PM*
9/17
6:55 AM
COUNTY ADMIN
FORWARDED TO:
9/17/03

**LEE COUNTY CONSTRUCTION CONTRACT
CHANGE ORDER**

No. (5) Five

A Change Order Requires Approval by the Department Director for Expenditures Under \$25,000 or Approval by the County Administrator for Expenditures Between \$25,000 and \$50,000 or Approval by the Board of County Commissioners over \$50,000.00

CONTRACT/PROJECT NAME: Lee County Solid Waste Transfer Station

CONTRACTOR: Lodge Construction, Inc.

PROJECT NO: _____

CONTRACT NO: 2370

Bid No: RFQ-02-05

CHANGE REQUESTED BY: Construction Manager - Lodge Construction

Date of Request July 3, 2003

Upon the completion and execution of this Change Order by both parties to the Contract the Contractor is authorized to and shall proceed to make the following changes in the Contract Documents:

Description: This is to account for the cost of certain materials that cannot be purchased through Walters Enterprise under DP No.2 and to reduce P.O. No. 45772 issued by the County issued to DW Walters Enterprise for fill purchases through thier pit operations to a total value of 146,494.64 the cost for direct purchase.
The tax savings has already been included in the contract between Lodge and the Sub and Lodge and Lee County. Therefore, this accounts for direct cost only as the Tax savings Remains with the Owner per the contract.

Purchase or Change Order:

Attachments: Cover Letter with break down, Direct Invoice Tracking Chart and Sub Change Order.

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIME:

Original Contract Price
\$ 5,594,031.00

Original Contract Time
365 days

Previous Change Orders No. 0 to No.4
\$ (1,082,938.88)

Calendar Days
Net change from previous Change Orders

0

Contract Price prior to this Change Order
\$ 4,511,092.12

Calendar Days
Contract Time prior to this Change Order

365 days

Net Increase Net (Decrease) of this Change Order
\$ 193,187.12

Calendar Days
Net Increase Net Decrease of this Change Order

0 days

Contract Price with all approved Change Orders
\$ 4,704,279.24

Calendar Days
Contract Time with all Approved Change Orders

365 days

Calendar Days

It is understood and agreed that the acceptance of this modification by the CONTRACTOR constitutes an accord and satisfaction, and represents payment in full (both time and money) for all costs arising out of, or incidental to, the above mentioned change.

RECOMMENDED:
By: N.A. [Signature]
Consultant (if applicable) Date 9/16/03
By: [Signature]
Department Director Date
JMO [Signature] 9/17/03
Dept of Public Works Date

ACCEPTED:
By: [Signature]
Contractor
Date accepted 7/3/03
Corporate Seal

COUNTY APPROVAL:
By: _____
Department Director
(Under \$25,000)
Date approved _____
By: _____
County Administrator
(Over Level III, Under \$50,000)
Date Approved: _____

See P. 2/2

By: _____

County Attorney's Office

Date Approved: _____

CMO:011
09/25/01

By: _____

Chairman Board of County Commissioners
(Over \$50,000)

Date Approved: _____

E-15

Pg 2 of 2
C/O No.5

CMO:011 9/25/01



Lodge Construction, Inc.

2161 McGregor Blvd.
Ft. Myers, FL 33901
Fax: 1-941-332-0218
1-941-332-4371

CHANGE ORDER- # 5
DIRECT PURCHASE
No.2

To: Mr. Mike Avoglia, Project Engineer
Lee County Solid Waste
10500 Buckingham Road
Fort Myers, FL 33905
From: Michael Dunn, Project Manager
Project: Lee County Solid Waste Transfer Station
Subject: Reduction to Purchase Order- Change to Contract
Date: July 3, 2003

Dear Mr. Mike Avoglia:

Attached you will find an add Change Order for the GMP and Walters Enterprise. The Add Change Order pulls monies from the Direct Purchase Order No.2 Lee County Purchase Order NO.45772 and places it back into the GMP and Subcontract to permit the purchasing of fill materials from vendors other than Walters Enterprise who was the vendor the County issued the DP to.

The funding summary is as follows:

- | | | |
|----|---|----------------|
| 1. | Original Fill Materials included in the total P.O. issued by County | = \$285,449.52 |
| 2. | Fill Materials purchased or approved for payment through July 3, 2003 | = \$92,262.40 |
| 3. | Balance on Original Fill Materials to be purchased from Other vendors | = 193,187.12 |

LESS BASE ROCK AND STABILIZER

	339,681.76
-	54,232.24
<u></u>	<u>285,449.52</u>

The Change order is for \$192,187.12 (193,187.12)

- The balance remaining for Stabilizer and Base Rock to be purchased direct from Walters Enterprise is 146,494.64.

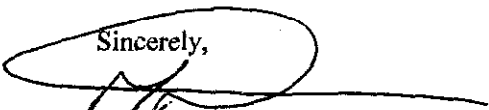
The County is To:

- Reduce your purchase order No.45772 to the value of \$146,494.64 from it's original value of \$339,681.76

92,262.40 INVOICED MATERIALS
+ 54,232.24 REMAINING BASE ROCK / STABILIZER
146,494.64

We will continue with the direct purchase of materials against an original balance of \$146,494.64 less payments made to date until the purchase Order is either modified or exhausted. If you have any questions please contact me.

Sincerely,



Michael Dunn;
Senior Project Manager/
Vice President

cc: File
Walters Enterprise, Inc. Mike Farrar; Project Manager

02-512: Lee Solid Waste Transfer Station

94								
95								
96								
97								
98								
99	Percentage		24.27%					
100	Balance of P.O		\$287,885.92					
101	Totals		\$380,148.32					
102								
103						\$92,262.40		

LEE COUNTY CONSTRUCTION CONTRACT No. (6) Six
CHANGE ORDER

A Change Order Requires Approval by the Department Director for Expenditures Under \$25,000 or Approval by the County Administrator for Expenditures Between \$25,000 and \$50,000 or Approval by the Board of County Commissioners over \$50,000.00

CONTRACT/PROJECT NAME: Lee County Solid Waste Transfer Station
 CONTRACTOR: Lodge Construction, Inc. PROJECT NO: _____
 CONTRACT NO: 2370 Bid No: RFQ-02-05
 CHANGE REQUESTED BY: Construction Manager - Lodge Construction Date of Request August 24, 2003

Upon the completion and execution of this Change Order by both parties to the Contract the Contractor is authorized to and shall proceed to make the following changes in the Contract Documents:

Description: See Attached letter with descriptions of accounting dated 8-24-03 and entitled "Direct Purchase DP No.2- Rescind Purchase Orders- Change Order

Purchase or Change Order:

Attachments: Cover Letter with break down, Direct Invoice Tracking Chart and Sub Change Order.

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIME:

Original Contract Price
 \$ 5,594,031.00
 Previous Change Orders No. 0 to No.5
 \$ (889,751.76)
 Contract Price prior to this Change Order
 \$ 4,704,279.24
 Net Increase Net (Decrease) of this Change Order
 \$ 94,698.92
 Contract Price with all approved Change Orders
 \$ 4,798,978.16

Original Contract Time
365 days
 Calendar Days
 Net change from previous Change Orders
0
 Calendar Days
 Contract Time prior to this Change Order
365 days
 Calendar Days
 Net Increase Net Decrease of this Change Order
0 days
 Calendar Days
 Contract Time with all Approved Change Orders
365 days
 Calendar Days

It is understood and agreed that the acceptance of this modification by the CONTRACTOR constitutes an accord and satisfaction, and represents payment in full (both time and money) for all costs arising out of, or incidental to, the above mentioned change.

RECOMMENDED:
 By: N.A. [Signature]
 Consultant (if applicable) Date
 By: [Signature] 9/16/03
 Department Director Date
 By: GM Oris 9/17/03
 Dept of Public Works Date

ACCEPTED:
 By: [Signature]
 Contractor
 Date accepted 8/24/03
 Corporate Seal

COUNTY APPROVAL:
 By: _____
 Department Director
 (Under \$25,000)
 Date approved _____
 By: _____
 County Administrator
 (Over Level III, Under \$50,000)
 Date Approved: _____

See P. 2/2

By: _____

County Attorney's Office

Date Approved: _____

CMO:011
09/25/01

By: _____

Chairman Board of County Commissioners
(Over \$50,000)

Date Approved: _____

E-15

Pg 2 of 2
C/O No.6

CMO:011 9/25/01



Lodge Construction, Inc.

2161 McGregor Blvd.
Ft. Myers, Fl. 33901
Fax: 1-239-332-0218
1-239-332-4371

MEMORANDUM

To: Mr. Mike Avoglia, Project Engineer
Lee County Waste Management
1500 Monroe St. 3rd Floor
Fort Myers, FL 33901

From: Michael Dunn, Project Manager

Project: Lee County Transfer Station

Subject: Direct Purchase DP No.2- Rescind Purchase Orders-Change Order

Date: August 24, 2003

Phone: 941-338-3302
Fax: 239-338-3304

Dear Mr. Mike Avoglia, Project Engineer:

Attached you will find the Invoice tracking Chart and contract Change Order for DP No.2. The two remaining purchase orders associated with Walters DP will not be used. The materials are either being purchased through other vendors or have already been purchased through other vendors. Therefore, the monies that were set aside for materials only need to be recaptured in the Walters account so that cost can be applied to these funds. Please review and execute the attached change order so that we have a proper accounting of the funds. If you have any questions please contact me.

Further you are authorized and directed to rescind the P.O. to : Florida Rock for \$8,030.56 P.O. No. 45766 and Ajax Paving for \$32,436.00 P.O. No. 45770.

The attached Change Order is an add to the contract for a total of \$40,466.56. Plus the following:

On 7/6/03 we issued a Change Order add to the Subcontract and GMP for \$193,187.00. This amount to into account the remaining funds for fill that would be purchased through other vendors than DW Walters. The original P.O. to DW Walters was P.O. No. 45772 for \$339,681.76. The amount purchased against this P.O. as of 7/6/03 was \$92,262.40. This left a balance of \$247,419.36 against the P.O. We instructed Lee County to reduce the P.O. by the amount of C/O No.5 or \$193,187.00. Following this reduction a balance of \$54,232.36 was left on the P.O. for the purchase of Base Rock. The Base Rock to be provided by Walters did not meet the requirements of the specifications and could not be used. Therefore, the Base Rock needed to be and was subsequently purchased through other vendors as supplementation to the subcontract in accordance with section 15 of the subcontract agreement. At this juncture we need to close the remaining balance on this P.O. Therefore, Lodge authorizing and instructs Lee County to rescind the balance of the P.O. and close the same. The total rescision equals \$54,232.36 and is included in the attached C/O.

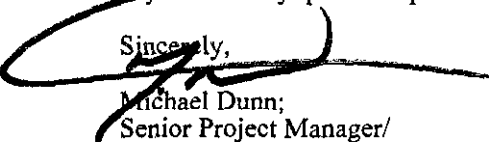
The total add C/O is as follows:

Rescind Balance of P.O. No. 45772 for	\$54,232.36
Rescind P.O. No. 45770 for	\$32,436.00
Rescind P.O. No. 45768 for	\$8,030.56

Total = **\$94,698.92**

If you have any questions please contact me. Otherwise please execute and return ASAP

Sincerely,



Michael Dunn;
Senior Project Manager/
Vice President

cc: File
Steve Darby
DW Walters Enterprise, Inc.; Daryl Walters

Row Number	DP No./Name/ P.O. Amount	P.O. to Vendor	Lee County P.O. Number	P.O. Amount	Invoice Number	Invoice Amount	Date Received	Date sent to LCSW	Notes
1	Walters Enterprise								
2	DP No.2								
3	Min. Contract Material Value	\$380,148.32							
4									
5		D.W. Walters Enterprise	45772	\$339,681.76					
6		Fill and Base							
7					9023	\$3,052.80	04/30	05/28	
8					9024	\$2,984.96	04/30	05/28	
9					9025	\$3,459.34	04/30	05/28	
10					9034	\$3,120.64	04/30	05/28	
11					9036	\$440.96	04/30	05/28	
12					9038	\$1,865.60	04/30	05/28	
13					9050	\$1,458.56	04/30	05/28	
14					9054	\$1,560.32	04/30	05/28	
15					9055	\$1,967.36	04/30	05/28	
16					9056	\$339.20	04/30	05/28	
17					9067	\$2,069.12	04/30	05/28	
18					9075	\$2,577.92	04/30	05/28	
19					9092	\$2,713.60	04/30	05/28	
20					9088	\$2,645.76	04/30	05/28	
21					9136	\$3,900.80	05/28	05/28	
22					9151	\$5,086.00	05/28	05/28	
23					9126	\$2,713.60	05/28	05/28	
24					9130	\$4,579.20	05/28	05/28	
25					9098	\$2,781.44	05/28	05/28	
7					9104	\$814.08	05/28	05/28	
8					9108	\$780.16	05/28	05/28	
9					9113	\$1,119.36	05/28	05/28	
10					9114	\$1,390.72	05/28	05/28	
11					9122	\$3,052.80	05/28	05/28	
12					9170	\$3,290.24	05/28	05/28	
13					9164	\$3,595.52	05/28	05/28	
14					9156	\$4,477.44	05/28	05/28	
15					9234	\$1,153.28	06/18	07/03	
16					9242	\$610.56	06/18	07/03	
17					9247	\$1,458.56	06/25	07/03	
18					9246	\$508.80	06/25	07/03	
19					9244	\$1,729.92	06/25	07/03	
20					9216	\$1,899.52	06/26	07/03	
21					9220	\$1,356.80	06/26	07/03	
22					9226	\$1,560.32	06/26	07/03	
23					9228	\$203.52	06/26	07/03	
24					9232	\$373.12	06/26	07/03	
25					9206	\$1,628.16	06/26	07/03	
26					9205	\$881.92	06/26	07/03	
27					9204	\$135.68	06/13	07/03	
28					9203	\$2,713.60	06/13	07/03	
29					9213	\$2,272.64	06/13	07/03	
30					9171	\$407.04	05/30	07/03	
31					9176	\$1,797.76	05/30	07/03	
32					9180	\$1,560.32	05/30	07/03	
33					9192	\$1,356.80	05/30	07/03	
34					9188	\$814.08	05/30	07/03	

02-512: Lee Solid Waste Transfer Station

93								
94								
95								
96								
97								
98								
99	Percentage		24.27%					
100	Balance of P.O		\$287,885.92					
101	Totals		\$380,148.32					
102								
103						\$92,262.40		