

Agenda Item Summary

1. ACTION REQUESTED/PURPOSE:

Approve Change Order No. 4 to Centex Construction, LLC, under RFQ-02-04 LEE COUNTY JUSTICE CENTER EXPANSION, Contract No. 3083, for the Direct Material Purchase & Underground Tank – Shipping & Receiving – Sitework & Vertical Package in the amount of \$74,684.00. This project was in the CIP and funds are available within the budget. Further authorize Chairman to execute Change Order No. 4.

2. WHAT ACTION ACCOMPLISHES:

Approves the Change Order No. 4 that adjusts the contract due to Change Order No. 3 being processed against the wrong Phase.

3. MANAGEMENT RECOMMENDATION: Staff recommends approval

4. Departmental Category: 02.1

CRC

5. Meeting Date:

11-01-2005

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code **AC-4-4**
- Other

8. Request Initiated:

Commissioner
 Department Construction & Design
 Division
 By: **Jim Lavender, Public Works Director**

9. Background:

On July 9, 2002, the Board of County Commissioners entered into a Construction Manager Agreement with Centex Rooney Construction Company under RFQ-02-04 Lee County Justice Center Expansion with an understanding that each phase of this project will be brought back to the Board for approval as they are negotiated.

On June 23, 2005, Change Order No. 3 was issued and approved in the amount <\$74,684.00> for the Direct Material Purchase of the Underground Fuel Tank and to adjust the contract amount. Phase 3 was incorrectly credited for this adjustment. On July 11, 2005, Change Order No. 1 was issued and approved in the amount of <\$144,419.84> for the Owner Direct Purchases & Underground Tank for Justice Center Expansion – Phases 4 & 5. On July 13, 2005, Change Order No. 4 was issued and approved in the amount of \$74,684.00 to reverse the Change Order No. 3 which had been processed incorrectly against Phase 3.

Funds are available in account string: 20864631407.506540.824

Attachment: Change Order No. 4 for execution.
 Change Order No. 3 and Change Order No. 1 for reference

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>[Signature]</i> 10-18-05	<i>[Signature]</i> 10/18	N/A	<i>[Signature]</i>	<i>[Signature]</i> 10/19/05	<i>[Signature]</i> 10-19-05	<i>[Signature]</i> 10/19/05		<i>[Signature]</i> 10/19/05	<i>[Signature]</i> 10-18-05

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: *[Signature]*
 10-19-05
 11:17
 COUNTY ADMIN FORWARDED TO: *[Signature]*
 10/19
 5 PM

Rec. by CoAtty
 Date: 10/19/05
 Time: 10:05 AM
 Forwarded To:

LEE COUNTY CONSTRUCTION CONTRACT
CHANGE ORDER

NO.: 3 (THREE)

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

CONTRACT/PROJECT NAME: 2161 LEE COUNTY JUSTICE CENTER EXPANSION (PHASE 4)

CONTRACTOR: CENTEX/COULC PROJECT NO. RFA 02-04 ACCOUNT #: 208146

CONTRACT NO.: 2161 BID NO.: RFA 02-04

CHANGE REQUESTED BY CENTEX/COULC DATE OF REQUEST: JUNE 22, 2005

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: DEDUCT COST OF UNDERGROUND FUEL TANK

Purpose of change order: ADJUST CONTRACT TO REFLECT COUNTY PURCHASE

Attachments (List documents supporting change)

CHANGE IN CONTRACT PRICE:

Original Contract Price

\$4,461,988.00

Previous Change Orders No. 0 to No. 2

\$1,696,435.797

Contract Price prior to this change order

\$3,765,522.21

Net Increase (Decrease) of this change order

\$14,684.007

Contract Price with all approved change orders

\$3,690,838.21

CHANGE IN CONTRACT TIME:

Original Contract Time

304
Calendar Days

Net change from previous change orders

15
Calendar Days

Contract Time prior to this change order

319
Calendar Days

Net Increase (Decrease) of this change order

0
Calendar Days

Contract Time with all approved change orders

319
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: _____
Consultant (if applicable) Date

BY: _____
Department Director Date

Cindy Logan 6/29/05
Contracts Management Date

APPROVED: _____
County Attorney's Office Date

CMO: 011
06/25/05

ACCEPTED:

BY: Philip Loraeno
Contractor

PHILIP LORAENO
(PRINT NAME)

Date Accepted: _____



COUNTY APPROVAL:

BY: [Signature]
Department Director
(Under \$25,000)

Date Approved: 6.23.05

BY: _____
County Manager
(Under \$50,000)

Date Approved: _____

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

Date Approved: _____

PURCHASE ORDER

Page No.: 1

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
DIVISION OF PURCHASING
PO BOX 398
FORT MYERS, FL 33902 - 0398
(239) 344-5450 TELEPHONE (239) 344-5460 FAX

BILL TO: LEE COUNTY FINANCE DEPARTMENT
PO DRAWER 2238
FORT MYERS, FL 33902-2238
(239) 335-2300

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

FLORIDA SALES TAX EXEMPTION NO. 46-07-052104-53C

Any person or affiliate as defined by statute who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid or a contract to provide any goods or services to the County; may not submit a bid on a contract with the County for the construction or repair of a public building or a public work; may not submit bids or leases of real property to the County; may not be awarded or perform work as a contractor, supplier, subcontractor, or a consultant under a contract with the County; and may not transact business with the County in excess of \$25,000 for a period of 36 months from the date of being placed on the convicted vendor list.

VENDOR: 315100

GUARDIAN CONTAINMENT CORP
2140 MAXON ROAD
SCHENECTADY, NY 12308

SHIP TO: LEE COUNTY DIRECT PURCHASE ORDER

BUSINESS PHONE: 800 797 8265
FAX NUMBER: 321 784 0596

REQUISITIONER: FRAYMT
BUYER: CICCARKL

P.O. NO.: **64595**

ORDER DATE: 1/5/2005 FREIGHT TERMS: NONE
DELIVERY DATE: 1/5/2005 CONFIRM TO:
INSTRUCTIONS:

QUOTE/CONTRACT NO.: 6/8/04
BRANCH/PLANT : PLANCONCIPOP

JUSTICE CENTER EXPENSION PROJECT

BS#20040862

BOARD APPROVED: 8/8/04

DIRECT PURCHASE MATERIALS

TO PURCHASE 15,000 GAL UNDERGROUND VAULTED TANK.

REQUESTED BY CENTEX ROONEY CONSTRUCTION, INC, CONSTRUCTION MANAGER THROUGH RICK DALZIEL, CONSTRUCTION & DESIGN.

FOR DELIVERY INSTRUCTIONS, JMP SOLUTIONS, INC

Line	Rev	Item	Description/Account	Ordered	UOM	Unit Price	Extended Price	Req. No.	Type
1.000	0	83013	BUTANE, LP, & PROPANE TANKS LC JUSTICE CTR EXP 20864630100.508410		EA	.0000	74,684.00	00458916	OR

Total Order: **74,684.00**

PURCHASING AUTHORIZATION: JANET K. SHEEHAN

LEE COUNTY CONSTRUCTION CONTRACT CHANGE ORDER NO.: 1 (One)

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

CONTRACT/PROJECT NAME: 3083 - Lee County Justice Center Expansion - Phase 4 & 5 - Shipping & Receiving - Sitework & Vertical Package

CONTRACTOR: Centex Construction, LLC; PROJECT NO.: 8646 Account #: 208646

CONTRACT NO.: 3083 BID NO.: RFQ 02-04

CHANGE REQUESTED BY: Centex Construction, LLC. DATE OF REQUEST: July 11, 2005

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: Owner Direct Purchase of Concrete, Masonry, Steel, Drywall, Metal Studs, Cold Rolled Channel's & Underground Tank for Lee County Justice Center Expansion -Phase 4 & 5 - Shipping & Receiving - Sitework & Vertical Package.

Purpose of Change Order: Deduct Material Cost from Construction GMP and establish Lee County Purchase Orders.

Attachments (List documents supporting change)

Table with 2 columns: CHANGE IN CONTRACT PRICE and CHANGE IN CONTRACT TIME. Rows include Original Contract Price (\$4,494,306.00), Previous Change Orders No. 0 to No. 0 (\$0.00), Contract Price prior to this Change Order (\$4,494,306.00), Net Increase (Decrease) of this Change Order (\$-(144,419.84)), Contract Price with all approved Change Orders (\$4,349,886.16), and corresponding Calendar Days (N/A).

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: Consultant (if applicable) Date

BY: Department Director Date; Contracts Management Date

APPROVED: County Attorney's Office Date

ACCEPTED: BY: Contractor (PRINT NAME)

Date Accepted: 7/13/05



COUNTY APPROVAL: BY: Department Director (Under \$25,000)

Date Approved: 7.27.05

BY: County Manager (Under \$50,000)

Date Approved:

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

Date Approved:

Owner Change Order No. 1 (One) – Back-up for Owner Direct Purchase of Material

LEE COUNTY to purchase the following items, to be installed by Centex Construction, LLC. in order to secure materials free from Sales or Use Tax in accordance with LEE COUNTY Tax Exempt Status.

Centex Construction, LLC. shall remain fully responsible for handling, receiving storage, submittals, acceptability, warranties and performance of the Materials as per the requirements of the Contract Documents and all other Work associated with the procurement and installation of these materials (purchased by Lee County) as if the Contractor was making the purchase. This includes the tracking of Sales Tax Savings.

<u>Purchase Order No.</u>	<u>Description</u>	<u>Vendor</u>	<u>Material Excl. Tax</u>	<u>Sales Tax</u>
64595	15,000 Gal. Underground Vaulted Tank	JMP Solutions, Inc.	<\$74,684.00>	<\$ 4,481.04>
TBD	Metal Studs & old Rolled Channel	Lotspeich Company, Southwest, Inc.	<\$ 4,416.00>	<\$ 264.96>
TBD	Drywall Board & Bead		<\$ 4,052.00>	<\$ 243.12>
TBD	Concrete & Masonry Accessories	Southwest Construction Services, Inc	<\$ 5,000.00>	<\$ 300.00>
TBD	Concrete		<\$35,000.00>	<\$ 2,100.00>
TBD	Masonry		<\$10,000.00>	<\$ 600.00>
TBD	Steel Deck & Accessories	Custom Welding & Fabrication, Inc.	<\$11,267.84>	<\$ 676.07>

TOTAL MATERIAL ONLY DEDUCT TO THIS CONTRACT <\$ 144,419.84 >

LEE COUNTY CONSTRUCTION CONTRACT
CHANGE ORDER

NO.: 4 (Four)

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

CONTRACT/PROJECT NAME: 3083 - Lee County Justice Center Expansion - Phase 3

CONTRACTOR: Centex Construction, LLC. PROJECT NO.: 8646 Account #: 208646

CONTRACT NO.: 3083 BID NO.: RFQ 02/04

CHANGE REQUESTED BY: Centex Construction, LLC. DATE OF REQUEST: July 13, 2005

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: Underground Fuel Tank

Purpose of Change Order: Adjust contract due to change order #3 being processed against the wrong phase.

Attachments (List documents supporting change)

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIME:

Original Contract Price

\$4,461,958.00

Original Contract Time

N/A
Calendar Days

Previous Change Orders No. 0 to No. 3

\$(-771,119.79)

Net change from previous Change Orders

N/A
Calendar Days

Contract Price prior to this Change Order

\$3,690,838.21

Contract Time prior to this Change Order

N/A
Calendar Days

Net Increase (Decrease)
of this Change Order

\$74,684.00

Net Increase (Decrease)
of this Change Order

N/A
Calendar Days

Contract Price with all
approved Change Orders

\$3,765,522.21

Contract Time with all
approved Change Orders

N/A
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: _____
Consultant (if applicable) Date

ACCEPTED:

BY: Philip Loiacono
Contractor

PHILIP LOIACONO
(PRINT NAME)

COUNTY APPROVAL:

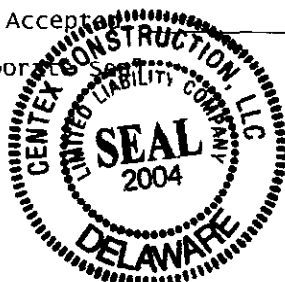
By: _____
Department Director
(Under \$25,000)

Date Approved: _____

BY: _____
Department Director Date

Cindy Logan 8/1/05
Contracts Management Date

Date Accepted: _____
Corporate Representative



BY: _____
County Manager
(Under \$50,000)

Date Approved: _____

APPROVED:

County Attorney's Office Date

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

Date Approved: _____

LEE COUNTY CONSTRUCTION CONTRACT
CHANGE ORDER

NO.: 4 (Four)

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

CONTRACT/PROJECT NAME: 3083 - Lee County Justice Center Expansion - Phase 3

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CONTRACT NO.: 3083 BID NO.: RFQ 02/04

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Description: Underground Fuel Tank

Purpose of Change Order: Adjust contract due to change order #3 being processed against the wrong phase.

Attachments (List documents supporting change)

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIME:
Original Contract Price <u>\$4,461,958.00</u>	Original Contract Time <u>N/A</u> Calendar Days
Previous Change Orders <u>No. 0</u> to <u>No. 3</u> <u>\$(-771,119.79)</u>	Net change from previous Change Orders <u>N/A</u> Calendar Days
Contract Price prior to this Change Order <u>\$3,690,838.21</u>	Contract Time prior to this Change Order <u>N/A</u> Calendar Days
Net Increase (Decrease) of this change order <u>\$74,684.00</u>	Net Increase (Decrease) of this change Order <u>N/A</u> Calendar Days
Contract Price with all approved Change Orders <u>\$3,765,522.21</u>	Contract Time with all approved Change Orders <u>N/A</u> 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: _____
Consultant (if applicable) Date

BY: _____
Department Director Date

Cindy Jofa 8/10/05
Contracts Management Date

APPROVED:

County Attorney's Office Date

ACCEPTED:

By: Phil LoAcoco
Contractor

PHIL LOACOCO
(PRINT NAME)

Date Accepted: _____
Corporate



COUNTY APPROVAL:

By: _____
Department Director
(Under \$25,000)

Date Approved: _____

BY: _____
County Manager
(Under \$50,000)

Date Approved: _____

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

Date Approved: _____