

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20061499

1. ACTION REQUESTED/PURPOSE: Approve Change Order No. 4, with Cella Molnar & Associates, Inc, under CN-02-04 SR 739 (US BUSINESS 41) FROM MARIANA AVENUE TO LITTLETON, (Contract #2129), for a total not-to-exceed amount of \$232,870.00. Further approve transfer of funds from District 02 Road Impact Fee-Reserves in the amount of \$300,000 to Project 4020 Business 41 from Pine Island Road to Littleton Road. Amend the FY 2006/07 – 2010/11 CIP accordingly. Also, authorize Chairwoman to execute Change Order on behalf of the Board.

2. WHAT ACTION ACCOMPLISHES: Provides for a time extension and additional man-hours and expenses for construction engineering inspection and administration functions for the project widening of Business 41.

3. MANAGEMENT RECOMMENDATION: Approval recommended.

4. Departmental Category: 09 Transportation C9D		5. Meeting Date: 11/28/06
6. Agenda: <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Administrative <input type="checkbox"/> Appeals <input type="checkbox"/> Public <input type="checkbox"/> Walk-On	7. Requirement/Purpose: (specify)	
	<input type="checkbox"/> Statute	
	<input type="checkbox"/> Ordinance	
	<input checked="" type="checkbox"/> Admin. Code AC-4-4	
	<input type="checkbox"/> Other	
		8. Request Initiated: Commissioner _____ Department <u>Transportation</u> Division _____ By: <u>Scott Gilbertson, Director</u>

9. Background:
 On June 25, 2002, the Board entered into a contract for CN-02-04 SR 739 (US BUSINESS 41) FROM MARIANA AVENUE TO LITTLETON , with Cella Molnar & Associates Inc., (aka Cella & Associates Inc.), for a contract amount of \$1,060,409.83.

Change Order No. 1 was approved in the amount of \$0.00 on September 10, 2002 to add a new consultant.
 Change Order No. 2 was approved in the amount of \$0.00 on July 8, 2004 to change the name of a consultant.
 Change Order No. 3 was approved in the amount of \$129,716.58.

The Business 41 construction project from SR 78 to North of Littleton Road, is a Florida Department of Transportation (FDOT) project advanced by Lee County. Cella & Associates, Inc. is required to perform construction engineering, inspection, materials sampling and testing, and contract administration functions in accordance with the established procedures of both the FDOT and Lee County Department of Transportation as dictated by the County Incentive Grant Program (CIGP) between FDOT and Lee County. The FDOT dictates the number of personnel and the level of inspection.

--Continued on Page 2--

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.	
11/13/06 <i>[Signature]</i>	<i>[Signature]</i>	N/A		11/14/06 <i>[Signature]</i>	11/14/06 <i>[Signature]</i>	11/14/06 <i>[Signature]</i>	11/14/06 <i>[Signature]</i>	11/14/06 <i>[Signature]</i>	11-14-06 <i>[Signature]</i>

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

RECEIVED BY
COUNTY ADMIN: *[Signature]*

11-14-06

1am ML

COUNTY ADMIN
FORWARDED TO: *[Signature]*

11-16-06

3pm

Rec. by CoAtty

Date: 11/14/06

Time: 9:30 Am

Forwarded To: 11/14/06

10:00 Am

9. Background (Continued).....

Funds for construction inspection for the original contract were based on an 18 month construction schedule. The construction is not complete and it is anticipated that an additional six (6) months of construction engineering, inspection, materials sampling and testing, and contract and administrative functions will be necessary to satisfy the inspection requirements. The construction is expected to be complete in late February or early March.

We are therefore requesting approval of Change Order No. 4 to Cella Molnar & Associates in the amount of \$232,870.00.

Funds will be made available in account #20402018802.506540

Attachment: Two (2) Change Orders for Execution

LEE COUNTY PROFESSIONAL SERVICE/SERVICE PROVIDER AGREEMENT
CHANGE ORDER/SUPPLEMENTAL TASK AUTHORIZATION

Change Order
 Supplemental Task Authorization

NO.: 4

(A Change Order or Supplemental Task Authorization Requires Approval by the Department Director for Expenditures Under \$50,000 or Approval by the County Manager for Expenditures Between \$50,000.01 and \$100,000 or Approval by the Board of County Commissioners for Expenditures over \$100,000)

CONTRACT/PROJECT NAME: SR739 (US Business 41) From Mariana Avenue to Littleton Road

CONSULTANT: Cella Molnar & Associates, Inc. PROJECT NO.: 4020

SOLICIT NO.: CN-02-04' CONTRACT NO.: 2129 ACCOUNT NO. 20402018802.506540

REQUESTED BY: Don DeBerry DATE OF REQUEST: October 3, 2006'

Upon the completion and execution of this Change Order or Supplemental Task Authorization by both parties the Consultant/Provider is authorized to and shall proceed with the following:

EXHIBIT "CO/STA-A" SCOPE OF PROFESSIONAL SERVICE: DATED: October 3, 2006

EXHIBIT "CO/STA-B" COMPENSATION & METHOD OF PAYMENT: DATED: October 3, 2006

EXHIBIT "CO/STA-C" TIME AND SCHEDULE OF PERFORMANCE: DATED: October 3, 2006

EXHIBIT "CO/STA-D" CONSULTANT'S/PROVIDERS ASSOCIATED
SUB-CONSULTANT(S)/SUB-CONTRACTORS: DATED: October 3, 2006

EXHIBIT "CO/STA-E" PROJECT GUIDELINES AND CRITERIA DATED: October 3, 2006

It is understood and agreed that the acceptance of this modification by the CONSULTANT/PROVIDER constitutes an accord and satisfaction.

RECOMMENDED:
By: [Signature] 10/27/06
Department Director Date

ACCEPTED
By: [Signature]
Consultant/Provider

COUNTY APPROVAL:
By: _____
Department Director (Under \$50,000)

By: [Signature] 11/7/06
Contracts Management Date

Date Accepted: 10/3/06

Date Approved: _____

(CORPORATE SEAL)

By: _____
County Manager
(Between \$50,000.01 and \$100,000)

APPROVED:

*County Attorney's Office Date

Date Approved: _____

*County Attorney signature needed for
over Board level expenditures only

By: _____
Chairwoman
Board of County Commissioners
(Over \$100,000)
Date Approved: _____

- CHANGE ORDER AGREEMENT No. 4
or
 SUPPLEMENTAL TASK AUTHORIZATION No. _____

EXHIBIT "CO/STA-A"

Date: October 3, 2006

SCOPE OF PROFESSIONAL SERVICES

for SR 739 (US Business 41) From Mariana Avenue to Littleton Road

(Enter Project Name from Page 1 of the
Change Order or Supplemental Task Authorization)

SECTION 1.00 CHANGE(S) TO PROFESSIONAL SERVICES

The "Scope of Professional Services" as set forth in Exhibit "A" of the Professional Services Agreement, or Service Provider Agreement, referred to hereinbefore is hereby supplemented, changed or authorized, so that the CONSULTANT or SERVICE PROVIDER, shall provide and perform the following professional services, tasks, or work as a supplement to, change to, or authorized to, the scope of services previously agreed to and authorized:

Time extension, and additional manhours and expenses for construction engineering inspection and administration functions for the project widening of Business 41 (SR739) in North Fort Myers from two lanes to four lanes, from south of Marianna Avenue to north of Littleton Road, due to contractor delays.

*Attach additional pages, if needed.

CHANGE ORDER AGREEMENT No. 4
 or
 SUPPLEMENTAL TASK AUTHORIZATION No. _____

EXHIBIT "CO/STA-B"

Date: 10/3/2006

COMPENSATION AND METHOD OF PAYMENT

for SR 739 (US Business 41) From Mariana Avenue to Littleton Road

(Enter Project Name from Page 1 of the
 Change Order or Supplemental Task Authorization)

SECTION 1.00 CHANGE(S) IN COMPENSATION

The compensation the CONSULTANT, or SERVICE PROVIDER, shall be entitled to receive for providing and performing the supplemented, changed or authorized services, tasks, or work as set forth and enumerated in the Scope of Services set forth in this CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", attached hereto shall be as follows:

NOTE: A Lump Sum (L.S.) or Not-to-Exceed (N.T.E.) amount of compensation to be paid the CONSULTANT should be established and set forth below for each task or sub-task described and authorized in Exhibit "S/COA-A". In accordance with Professional Services Agreement Article 5.03(2) "Method of Payment", tasks to be paid on a Work-in-Progress payment basis should be identified (WIPP).

Task Number	Task Title	Amount of Compensation	Indicate Basis of Compensation LS or NTE	If Applicable Indicate (W.I.P.P.)
1.0	Construction Engineering Services	\$232,870.00	NTE	
TOTAL		\$232,870.00		

(Unless list is continued on next page)

CHANGE ORDER AGREEMENT No. 4
or
 SUPPLEMENTAL TASK AUTHORIZATION No. _____

EXHIBIT "CO/STA-D"

Date: October 3, 2006

CONSULTANT'S, OR SERVICE PROVIDER'S, ASSOCIATED SUB-CONSULTANT(S) AND SUBCONTRACTOR(S)

for SR 739 (US Business 41) from Mariana Avenue to Littleton Road

(Enter Project Name from Page 1 of the Change Order or Supplemental Task Authorization Agreement)

CONSULTANT, or SERVICE PROVIDER, intends to engage the following sub-consultant(s) and/or sub-contractor(s) to assist the CONSULTANT, or SERVICE PROVIDER, in providing and performing the services, tasks, or work required under this CHANGE ORDER, or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT.

(If none, enter the word "none" in the space below.)

Service and/or Work to be Provided or Performed	Name and Address of Individual or Firm	Disadvantaged, Minority or Women Business Enterprise, (If Yes, Indicate Type)			Sub-Consultant Services are Exempted from Prime Consultant=s Insurance Coverage	
		Yes	No	Type	Yes	No
	No Change					

CHANGE ORDER AGREEMENT No. 4

or

SUPPLEMENTAL TASK AUTHORIZATION No. _____

EXHIBIT "CO/STA-E"

Date: October 3, 2006

PROJECT GUIDELINES AND CRITERIA

for SR 739 (US Business 41) from Mariana Avenue to Littleton Road

(Enter Project Name from Page 1 of the
Change Order or Supplemental Task Authorization Agreement)

As a supplement, or change, to the Project Guidelines and Criteria set forth in the Professional Services Agreement, or Service Provider Agreement, Exhibit "E", the COUNTY has established the following Guidelines, Criteria, Goals, Objectives, Constraints, Schedule, Budget, and/or Requirements which shall serve as a guide to the CONSULTANT, or SERVICE PROVIDER, in performing the professional services, tasks, or work to be provided pursuant to the professional services set forth hereinbefore in CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", attached hereto:

(If none, enter the word "None" in the space below.)

ITEM No. 1

NO CHANGE