

**RESOLUTION NUMBER 2021-05**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING CHANGE ORDER NO. 1 TO AMENDMENT 6 OF THE DESIGN-BUILD AGREEMENT RFQ-13-02-PW BETWEEN THE TOWN OF FORT MYERS BEACH AND MITCHELL & STARK CONSTRUCTION CO.; DECREASING THE CONTRACT AMOUNT BY \$294,575.84; EXTENDING THE FINAL COMPLETION DATE TO JANUARY 19TH, 2021; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, Article X of the Town Charter of the Town of Fort Myers Beach ("Town") empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

**WHEREAS**, the Town entered into Design Build Agreement RFQ-13-02-PW ("Agreement") with Mitchell & Stark Construction Co., ("Contractor") in September of 2013; and,

**WHEREAS**, the Town and Contractor subsequently amended said Agreement in July of 2015 with Amendment 6 in the amount of \$4,496,591.56 to include construction of water mains along Estero Boulevard from the bend off the north bridge to Lovers Lane; and,

**WHEREAS**, Change Order No. 1 to Amendment 6 of the Agreement decreases the contracted amount by \$294,575.84 and extends the date of final completion to January 19<sup>th</sup>, 2021.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH, AS FOLLOWS:**

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein and are hereby adopted as the legislative and administrative findings of the Town Council.

Section 2. Change Order No. 1 to Amendment 6 of the Agreement between the Town and the Contractor attached hereto as "Exhibit A" is hereby approved.

Section 3. The Town Manager is authorized to execute the Change Order and expend budgeted funds on behalf of the Town.

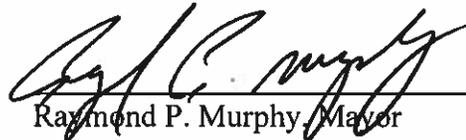
Section 4. This resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Atterholt and seconded by Council Member Allers, and upon being put to a vote, the result was as follows:

Raymond P. Murphy, Mayor	Aye
Rexann Hosafros, Vice Mayor	Aye
Dan Allers, Councilmember	Aye
Bill Veach, Councilmember	Aye
Jim Atterholt, Councilmember	Aye

ADOPTED this 16<sup>th</sup> day of February 2021 by the Town Council of the Town of Fort Myers Beach, Florida.

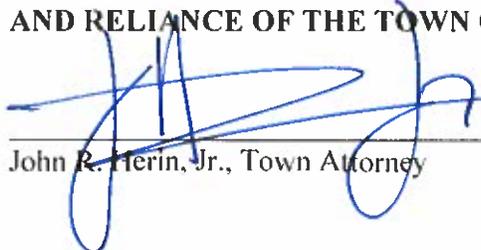
**TOWN OF FORT MYERS BEACH**

  
\_\_\_\_\_  
Raymond P. Murphy, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Amy Baker, Town Clerk

**APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE  
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:**

  
\_\_\_\_\_  
John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 18 day of February 2021.

RFQ-13-02-PW  
ESTERO BLVD. WATER MAIN (AMENDMENT 6)

**PART E**  
**FMB:011 - CONSTRUCTION CONTRACT**  
**CHANGE ORDER**

No.: 1

(A Change Order requires approval by the Finance Director and Town Manager for expenditures under \$25,000, approval by the Town Council for expenditures over \$25,000).

CONTRACT/PROJECT NAME: Town of Fort Myers Beach, Estero Blvd Water Main (Amendment 6)  
 CONTRACTOR: Mitchell & Stark Construction Company, Inc. PROJECT NO.: RFQ-13-02-PW  
 CONTRACT NO.: RFQ-13-02-PW BID NO.: RFQ-13-02-PW  
 CHANGE REQUESTED BY: Christy Cory DATE OF REQUEST: 01/19/2021

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:  
(If you need space other than what has been provided, please attach additional sheets.)

Description: Reconciliation of installed quantities for work completed and extension of contract time.

Purpose of Change Order: To reconcile quantities for work completed and extend contract time.

Attachments: (List documents supporting change) Change Order 1 Reconciliation Worksheet

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIME:
Original Contract Price <u>\$ 4,488,591.56</u>	Original Contract Time <u>240</u> Calendar Days
Previous Change Order No. <u>0</u> to No. <u>0</u> <u>\$ 0</u>	Net Change from previous Change Orders <u>0</u> Calendar Days
Contract Price prior to this Change Order <u>\$ 4,498,591.56</u>	Contract Time prior to this Change Order <u>240</u> Calendar Days
Net <del>increase</del> (Decrease) of this Change Order <u>\$ (294,575.84)</u>	Net Increase ( <del>Decrease</del> ) of this Change Order <u>2,464</u> Calendar Days
Contract Price will all approved Change Orders <u>\$ 4,202,015.72</u>	Contract Time with all approved Change Orders <u>2,894</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: [Signature] 1/11/2021  
Consultant (if applicable) Date  
By: [Signature] 1/27/21  
Department/Director Date

ACCEPTED  
By: [Signature]  
Contractor  
Date Accepted: 1/26/2021

TOWN APPROVAL:  
By: \_\_\_\_\_  
Finance Director (Under \$25,000)  
Date Approved: \_\_\_\_\_  
By: \_\_\_\_\_  
Town Manager (Under \$25,000)  
Date Approved: \_\_\_\_\_  
By: \_\_\_\_\_  
Mayor, Town Council  
(Over \$25,000)  
Date Approved: \_\_\_\_\_

Contracts Management  
APPROVED:  
Town Attorney Date

(CORPORATE SEAL)

Town of Fort Myers Beach  
 Mitchell & Stark Construction Company, Inc.  
 Contract No: RFG-13-03-PW Amendment 6 (Estero Water Main Phase 1)  
 Change Order #1 Reconciliation Worksheet

ITEM NO.	DESCRIPTION	UNIT PRICE (Includes Contingency Addition)	UNIT	CONTRACTED QUANTITY (Prior to this Change Order)	INSTALLED QUANTITY	DIFFERENCE	QTY DIFFERENCE x UNIT PRICE	Current Contracted Amount	Final Reconciled Amount	Final Reconciled (-) Current Contracted Amount
1	Modification/Description									
2	Gravel Base/Concrete, Slope Pile	276,000.00	LB	1	1	0	0	276,000.00	276,000.00	0.00
3	Installation	1,000.00	LB	1	1	0	0	1,000.00	1,000.00	0.00
4	Pre-and Post Construction Visit	30,000.00	LB	1	1	0	0	30,000.00	30,000.00	0.00
5	Locate Utilities in Advance of Construction	19,000.00	LB	1	1	0	0	19,000.00	19,000.00	0.00
6	Survey 5/8" Bolt	22,000.00	LB	1	1	0	0	22,000.00	22,000.00	0.00
7	Purchase and Install 18" C900 DR-14 PUC VMI	988.00	LF	8250	8450	200	33,200.00	1,022,000.00	1,055,200.00	33,200.00
8	Purchase and Install 18" C900 DR-14 PUC VMI	112.00	LF	8250	8500	250	27,800.00	1,022,000.00	1,049,800.00	27,800.00
9	Purchase and Install 18" C900 DR-14 PUC VMI	69.00	LF	900	900	0	62,000.00	62,000.00	62,000.00	0.00
10	Purchase and Install 18" C900 DR-14 PUC VMI	48.00	LF	900	900	0	610,748.00	610,748.00	610,748.00	0.00
11	Purchase and Install 18" C900 DR-14 PUC VMI	84.00	LF	50	233	183	11,388.00	20,700.00	32,088.00	11,388.00
12	Purchase and Install 18" C900 DR-14 PUC VMI	84.00	LF	100	300	200	16,800.00	45,600.00	62,400.00	16,800.00
13	Purchase and Install 18" C900 DR-14 PUC VMI	81.00	LF	50	0	-50	-4,050.00	4,050.00	0.00	-4,050.00
14	Purchase and Install 18" C900 DR-14 PUC VMI	240.00	LF	100	350	250	60,000.00	24,000.00	84,000.00	60,000.00
15	Connection to Existing 18" VMI	10,500.00	EA	1	1	0	0	10,500.00	10,500.00	0.00
16	Connection to Existing 18" VMI	3,900.00	EA	1	1	0	0	3,900.00	3,900.00	0.00
17	Connection to Existing 18" VMI	2,000.00	EA	1	1	0	0	2,000.00	2,000.00	0.00
18	Connection to Existing 18" VMI	4,200.00	EA	1	1	0	0	4,200.00	4,200.00	0.00
19	18" Line Box and Connection	22,800.00	EA	1	1	0	0	22,800.00	22,800.00	0.00
20	18" Line Box and Connection	9,000.00	EA	14	14	0	0	126,000.00	126,000.00	0.00
21	18" Line Box and Connection	4,500.00	EA	1	0	-1	-4,500.00	4,500.00	0.00	-4,500.00
22	18" Line Box and Connection	2,000.00	EA	1	0	-1	-2,000.00	2,000.00	0.00	-2,000.00
23	Reconnect Existing Water Meter	100.00	EA	3	0	-3	-300.00	300.00	0.00	-300.00
24	Install Meter Water Meter	87.88	EA	62	62	0	0	5,448.56	5,448.56	0.00
25	Water Service (City) (24" Road Crossing)	1,840.00	EA	50	50	0	0	92,000.00	92,000.00	0.00
26	18" VMI Top and Valve Assembly	3,376.00	EA	20	19	-1	-3,376.00	67,520.00	64,144.00	-3,376.00
27	18" VMI Top and Valve Assembly	17,180.00	EA	2	2	0	0	34,360.00	34,360.00	0.00
28	18" VMI Top and Valve Assembly	4,500.00	EA	2	2	0	0	9,000.00	9,000.00	0.00
29	18" x 18" Tee	2,340.00	EA	1	0	-1	-2,340.00	2,340.00	0.00	-2,340.00
30	18" x 18" Tee	1,780.00	EA	4	0	-4	-7,120.00	7,120.00	0.00	-7,120.00
31	18" x 8" Tee	1,480.00	EA	17	18	1	3,960.00	24,160.00	25,640.00	1,480.00
32	18" x 8" Tee	1,510.00	EA	2	2	0	0	3,020.00	3,020.00	0.00
33	18" x 8" Tee	840.00	EA	2	8	6	5,040.00	3,360.00	8,400.00	5,040.00
34	18" x 8" Tee	790.00	EA	14	17	3	2,380.00	11,060.00	13,440.00	2,380.00
35	18" x 8" Tee	710.00	EA	4	20	16	11,360.00	2,840.00	14,200.00	11,360.00
36	18" x 8" Tee	620.00	EA	2	1	-1	-620.00	620.00	0.00	-620.00
37	18" Line Valve with Valve Box Assembly	6,176.00	EA	17	14	-3	-18,896.00	114,832.00	95,936.00	-18,896.00
38	18" Gas Valve with Valve Box Assembly	2,210.00	EA	10	15	5	11,050.00	22,100.00	33,150.00	11,050.00
39	4" Gas Valve with Valve Box Assembly	1,100.00	EA	1	14	13	14,300.00	1,100.00	15,400.00	14,300.00
40	Reconnect Existing Water Meter	100.00	EA	1	0	-1	-100.00	100.00	0.00	-100.00
41	Gas Meter Assembly	800.00	EA	10	10	0	0	8,000.00	8,000.00	0.00
42	Gas Meter Assembly	4,480.00	EA	14	14	0	0	62,720.00	62,720.00	0.00
43	Gas Meter Assembly	2,000.00	EA	8	8	0	0	16,000.00	16,000.00	0.00
44	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
45	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
46	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
47	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
48	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
49	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
50	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
51	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
52	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
53	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
54	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
55	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
56	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
57	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
58	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
59	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
60	Gas Meter Assembly	1,100.00	EA	1	1	0	0	1,100.00	1,100.00	0.00
TOTAL CHANGE ORDER #1 RECONCILIATION										
								794,575.64	4,326,581.25	4,326,581.25