

RESOLUTION NUMBER 23-156

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING CHANGE ORDER NO. 2 TO AMENDMENT 10 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 \$2,954,436.07; EXTENDING THE DATE FOR FINAL COMPLETION BY 836 DAYS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CHANGE ORDER; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Town of Fort Myers Beach, Florida ("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 October of 2019 with Amendment 10 in the amount of \$10,420,192.58 to include construction of water mains along Estero Boulevard from Albatross Street to the southern end of the island; and,

WHEREAS, Change Order No. 2 to Amendment 10 of the Agreement decreases the contracted amount by \$2,954,436.07 and extends the date of final completion by 836 days.

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

Section 1. The above recitals are true and correct and incorporated herein by this reference.

Section 2. Change Order No. 2 to Amendment 10 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.

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

Section 4. This resolution shall take effect immediately upon its adoption.

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

Dan Allers, Mayor	Aye
Jim Atterholt, Vice Mayor	Aye
John King, Council Member	Aye
Bill Veach, Council Member	Aye
Karen Woodson, Council Member	Aye

ADOPTED this 20th day of November 2023, by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH


Dan Allers (Nov 30, 2023 12:47 EST)

Dan Allers, Mayor

ATTEST:


AMY BAKER (Nov 30, 2023 14:41 EST)

Amy Baker, Town Clerk

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


Becky Vose (Nov 30, 2023 14:31 EST)

Vose Law Firm., Town Attorney

This Resolution was filed in the Office of the Town Clerk on the 29th day of November 2023.

PART E
FMB:011 - CONSTRUCTION CONTRACT
CHANGE ORDER

(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). No.: 2

CONTRACT/PROJECT NAME: Estero Boulevard Water Main - Phase 4

CONTRACTOR: Mitchell & Stark Construction Company, Inc. PROJECT NO.: RFQ-13-02-PW

CONTRACT NO.: RFQ-13-02-PW - Amendment 10 BID NO.: RFQ-13-02-PW

CHANGE REQUESTED BY: Public Works Department DATE OF REQUEST: 08/11/2023

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 the contract time.

Purpose of Change Order: To reconcile quantities for Work Completed and to extend the contract time.

Attachments: (List documents supporting change) Change Order 2 Reconciliation Worksheet

CHANGE IN CONTRACT PRICE:		CHANGE IN CONTRACT TIME:	
Original Contract Price	\$ <u>10,420,192.58</u>	Original Contract Time	<u>540</u> Calendar Days
Previous Change Order No. <u>0</u> to No. <u>1</u>	\$ <u>477,202.94</u>	Net Change from previous Change Orders	<u>0</u> Calendar Days
Contract Price prior to this Change Order	\$ <u>10,897,395.52</u>	Contract Time prior to this Change Order	<u>540</u> Calendar Days
Net Increase (Decrease) of this Change Order	\$ <u>(2,954,438.07)</u>	Net Increase (Decrease) of this Change Order	<u>838</u> Calendar Days
Contract Price will all approved Change Orders	\$ <u>7,942,959.45</u>	Contract Time with all approved Change Orders	<u>1376</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] 8/14/23
Consultant (if applicable) Date
By: Frank Kropacsek
Department Director Date
Contracts Management
APPROVED: Becky Vose
Town Attorney Date

ACCEPTED
By: [Signature]
Contractor
Date Accepted: 8/14/23
(CORPORATE SEAL)

TOWN APPROVAL:
By: Joe Orsick
Finance Director (Under \$25,000)
Date Approved: _____
By: _____
Town Manager (Under \$25,000)
Date Approved: _____
By: [Signature]
Mayor, Town Council
(Over \$25,000)
Date Approved: _____

ITEM NO.	DESCRIPTION	UNIT PRICE	UNIT	CONTRACTED QUANTITY	INSTALLED QUANTITY TO DATE	DIFFERENCE	CITY DIFFERENCE	Current Contracted Amount	Reconciled Current Contracted Amount
1	Mobilization/Demobilization	\$ 64,000.00	LB	1	1.00	0	\$ -	\$ 64,000.00	\$ 64,000.00
2	General Repaints, Borot Permits	\$ 285,000.00	LB	1	1.00	0	\$ -	\$ 285,000.00	\$ 285,000.00
3	Permit	\$ 1,000.00	LB	1	1.00	0	\$ -	\$ 1,000.00	\$ 1,000.00
4	Pre-Construction Video	\$ 10,000.00	LB	1	1.00	0	\$ -	\$ 10,000.00	\$ 10,000.00
5	Locate Utilities in Advance of Construction	\$ 40,000.00	LB	1	1.00	0	\$ -	\$ 40,000.00	\$ 40,000.00
6	Density Testing Full Time	\$ 15,000.00	MTH	12	6.75	-2.25	\$ (76,750.00)	\$ 180,000.00	\$ (78,750.00)
7	Reinforcement of Trench (Peggers as needed)	\$ 275.00	MB	150	2.00	-148	\$ (40,700.00)	\$ 41,250.00	\$ (40,700.00)
8	Maintenance of Trench (Temporary shoring and shoring only)	\$ 200,000.00	LB	1	1.00	0	\$ -	\$ 200,000.00	\$ 200,000.00
9	Maintenance of Traffic (Temporary area per week)	\$ 1,500.00	EA	60	0.10	-48.9	\$ (74,850.00)	\$ 75,000.00	\$ (74,850.00)
10	Survey & As Built Data	\$ 87,600.00	EA	10	1.00	0	\$ -	\$ 87,600.00	\$ 87,600.00
11	Access	\$ 25.00	EA	12270	8,480.00	-3810	\$ (95,080.00)	\$ 319,020.00	\$ (95,080.00)
12	18" Dr. 18 PVC Water Main	\$ 2,918.60	EA	720	0.00	-720	\$ -	\$ -	\$ -
13	18" Dr. 18 PVC Water Main	\$ 141.68	EA	1180	3.00	-1180	\$ -	\$ -	\$ -
14	14" Dr. 14 PVC Water Main	\$ 151.00	EA	45	0.00	-45	\$ -	\$ -	\$ -
15	12" Dr. 12 PVC Water Main	\$ 131.00	EA	45	0.00	-45	\$ -	\$ -	\$ -
16	10" Dr. 10 PVC Water Main	\$ 104.12	EA	6300	6,917.00	-474	\$ (44,148.88)	\$ 653,270.00	\$ (44,148.88)
17	10" DR 14 PVC Water Main	\$ 116.58	EA	100	100.00	0	\$ -	\$ 11,658.00	\$ 11,658.00
18	10" DR 14 PVC Water Main	\$ 82.28	EA	48260	4,682.00	-648	\$ (53,522.00)	\$ 398,658.00	\$ (46,734.00)
19	Whitman Inconnect (Inches, Shims and valves)	\$ 17,874.00	EA	10	0.00	-10	\$ -	\$ -	\$ -
20	Connect to Ex 15" Water Main	\$ 8,687.00	EA	2	0.00	-2	\$ -	\$ -	\$ -
21	Connect to Ex 12" Water Main	\$ 2,626.00	EA	2	2.00	0	\$ -	\$ 5,341.00	\$ 5,341.00
22	Connect to Ex 10" Water Main	\$ 2,918.60	EA	1	2.00	1	\$ 2,613.60	\$ 5,837.20	\$ 2,918.60
23	Connect to Ex 8" Water Main	\$ 2,650.80	EA	6	10.00	11	\$ 28,478.00	\$ 17,904.00	\$ 28,478.00
24	Connect to Ex 4" Water Main	\$ 2,760.00	EA	17	11.00	6	\$ (18,560.00)	\$ 45,920.00	\$ 27,360.00
25	12" x 8" Hot Tap	\$ 11,572.00	EA	1	0.00	-1	\$ (11,572.00)	\$ -	\$ (11,572.00)
26	6" x 4" Hot Tap	\$ 3,300.00	EA	2	2.00	0	\$ 6,600.00	\$ 6,600.00	\$ 6,600.00
27	Install new Water Meter & Reconnect (Meter by Others)	\$ 202.88	EA	49	73.00	24	\$ 4,863.12	\$ 9,941.12	\$ 9,941.12
28	18" Water Service Short	\$ 2,217.83	EA	125	84.00	-41	\$ (1,381,182.40)	\$ 2,793,860.00	\$ (1,381,182.40)
29	18" W/ Tap and Valve	\$ 18,789.89	EA	0	0.00	0	\$ -	\$ -	\$ -
30	12" W/ Tap and Valve	\$ 6,683.00	EA	0	0.00	0	\$ -	\$ -	\$ -
31	10" W/ Tap and Valve	\$ 6,720.00	EA	0	0.00	0	\$ -	\$ -	\$ -
32	18" Line Stop and Cap	\$ 21,950.00	EA	0	0.00	0	\$ -	\$ -	\$ -
33	12" Line Stop and Cap	\$ 15,654.50	EA	0	0.00	0	\$ -	\$ -	\$ -
34	10" Line Stop and Cap	\$ 14,001.50	EA	0	0.00	0	\$ -	\$ -	\$ -
35	8" Line Stop and Cap	\$ 13,008.50	EA	1	0.00	-1	\$ (15,008.50)	\$ -	\$ (15,008.50)
36	6" Line Stop and Cap	\$ 11,271.00	EA	0	0.00	0	\$ -	\$ -	\$ -
37	4" Line Stop and Cap	\$ 10,050.00	EA	0	0.00	0	\$ -	\$ -	\$ -
38	18" Dr. 18 PVC Water Main	\$ 3,518.84	EA	36	1.00	-35	\$ (123,182.40)	\$ 126,720.00	\$ (123,182.40)
39	18x14 Tee	\$ 4,729.84	EA	1	0.00	-1	\$ -	\$ -	\$ -
40	18x12 Tee	\$ 4,655.34	EA	1	2.00	1	\$ 4,483.34	\$ 4,483.34	\$ 4,483.34
41	18x10 Tee	\$ 3,803.84	EA	1	2.00	2	\$ 4,000.84	\$ 7,800.68	\$ 7,800.68
42	18x12 Tee	\$ 3,803.84	EA	2	4.00	0	\$ -	\$ -	\$ -
43	18x10 Tee	\$ 3,194.70	EA	2	4.00	0	\$ -	\$ -	\$ -
44	12" Bend	\$ 1,917.70	EA	28	11.00	17	\$ 3,249.10	\$ 3,249.10	\$ 3,249.10
45	10" Bend	\$ 1,577.70	EA	4	4.00	0	\$ -	\$ -	\$ -
46	18x10 Tee	\$ 1,683.30	EA	71	3.00	0	\$ -	\$ -	\$ -
47	18x14 Tee	\$ 1,984.15	EA	2	0.00	-2	\$ -	\$ -	\$ -
48	8x8 Tee	\$ 520.71	EA	3	0.00	-3	\$ -	\$ -	\$ -
49	8x6 Tee	\$ 444.16	EA	21	38.00	17	\$ (8,088.48)	\$ 744.16	\$ (7,344.32)
50	4x4 Tee	\$ 1,621.45	EA	4	1.00	-3	\$ -	\$ -	\$ -
51	10" Vertical Deflection	\$ 6,882.70	EA	28	0.00	-28	\$ -	\$ -	\$ -
52	10" Gate Valve	\$ 9,075.40	EA	14	2.00	-12	\$ (116,104.80)	\$ 135,453.60	\$ (116,104.80)
53	12" Gate Valve	\$ 7,003.94	EA	2	0.00	-2	\$ -	\$ -	\$ -
54	10" Gate Valve	\$ 3,850.84	EA	3	2.00	1	\$ (14,127.60)	\$ 18,369.00	\$ (14,127.60)
55	12" Gate Valve	\$ 3,104.54	EA	23	10.00	-13	\$ (46,868.10)	\$ 77,618.50	\$ (46,868.10)
56	10" Gate Valve	\$ 2,178.53	EA	6	8.00	2	\$ (8,692.05)	\$ 10,651.02	\$ (8,692.05)
57	8" Gate Valve	\$ 1,607.99	EA	68	41.00	-27	\$ (89,404.00)	\$ 106,318.12	\$ (89,404.00)
58	6" Gate Valve	\$ 83,180.00	EA	12	0.00	-12	\$ (308,280.00)	\$ 225,100.00	\$ (308,280.00)
59	8" or Open Cut 4" Road Crossing	\$ 21,470.00	EA	6	4.00	-2	\$ (42,940.00)	\$ 67,100.00	\$ (42,940.00)
60	8" or 14" Road Crossing	\$ 33,650.00	EA	2	2.00	0	\$ -	\$ -	\$ -
61	8" or 14" Road Crossing	\$ 274.80	EA	6780	6,815.00	-136	\$ (37,080.00)	\$ 2,404,680.00	\$ (37,080.00)
62	Remove Fire Hydrant	\$ 600.00	EA	12	12.00	0	\$ -	\$ 7,200.00	\$ 7,200.00
63	Fire Hydrant	\$ 6,721.87	EA	20	18.85	-1.15	\$ (18,050.77)	\$ 134,437.40	\$ (18,050.77)
64	18" Water Valve	\$ 6,922.19	TONS	18	18.00	0	\$ -	\$ 124,600.00	\$ 124,600.00
65	6" or 8" Water Valve	\$ 12.00	TONS	9540	7,666.00	-1874	\$ (22,800.00)	\$ 212,800.00	\$ (22,800.00)
66	6" or 8" Water Valve	\$ 8.00	EA	440	0.00	-440	\$ -	\$ -	\$ -
67	6" or 8" Water Valve	\$ 8.00	EA	1640	0.00	-1640	\$ -	\$ -	\$ -
68	6" or 8" Water Valve	\$ 8.00	EA	1640	0.00	-1640	\$ -	\$ -	\$ -
69	6" or 8" Water Valve	\$ 8.00	EA	1640	0.00	-1640	\$ -	\$ -	\$ -
70	6" or 8" Water Valve	\$ 8.00	EA	1640	0.00	-1640	\$ -	\$ -	\$ -
71	6" or 8" Water Valve	\$ 8.00	EA	1640	0.00	-1640	\$ -	\$ -	\$ -
72	6" or 8" Water Valve	\$ 130.00	EA	1070	0.00	-1070	\$ -	\$ -	\$ -
73	6" or 8" Water Valve	\$ 130.00	EA	1070	0.00	-1070	\$ -	\$ -	\$ -
74	6" or 8" Water Valve	\$ 125.00	EA	3070	4,671.00	-1601	\$ (201,300.00)	\$ 248,400.00	\$ (201,300.00)
75	6" or 8" Water Valve	\$ 125.00	EA	3070	2,301.72	-768.28	\$ (96,174.00)	\$ 238,225.72	\$ (96,174.00)
76	6" or 8" Water Valve	\$ 343	EA	640	633.00	293	\$ 24,714.50	\$ 218,560.00	\$ 24,714.50
77	AC Pipe Cut-out and Bore to Bore	\$ 110.00	LB	0	0.00	0	\$ -	\$ -	\$ -
78	Remove Ex. Water Main 15" (non A-G Pipe)	\$ 45.00	LB	2640	203.00	-2437	\$ (109,530.00)	\$ 119,625.00	\$ (109,530.00)
79	Remove Old W/ Valves (LOOT Stop) (Not shown on plans)	\$ 35.00	TONS	0	0.00	0	\$ -	\$ -	\$ -
80	Full Depth Pavement Removal	\$ 375.00	MD	75	0.00	-75	\$ (28,125.00)	\$ -	\$ (28,125.00)
81	Temp Paving Eastern Blvd (8" BCB on rolled sub-grade)	\$ 14.32	EA	6920	5,992.32	-927.68	\$ (13,270.08)	\$ 95,064.40	\$ (13,270.08)
82	Temp Paving Local Roads (8" BCB on rolled sub-grade)	\$ 179.60	TONS	2285	2,128.59	-156.41	\$ (28,075.80)	\$ 410,167.50	\$ (28,075.80)
83	Insurence	\$ 179.90	TONS	244	0.00	-244	\$ (42,000.00)	\$ -	\$ (42,000.00)
84	Temp Asphalt for Sidewalk & Driveway	\$ 675.00	TONS	220	63.69	-156.31	\$ (105,509.25)	\$ 148,500.00	\$ (105,509.25)
85	Polystyrene Foam (LOOT Stop)	\$ 124.00	EA	1255	431.00	-824	\$ (100,500.00)	\$ 156,876.00	\$ (100,500.00)
86	Iron Protection	\$ 10,500.00	EA	1	0.00	-1	\$ -	\$ -	\$ -
87	Iron Protection	\$ 315.00	EA	60	0.00	-60	\$ (20,700.00)	\$ 10,500.00	\$ (20,700.00)
88	Access	\$ 179.60	TONS	600	0.00	-600	\$ (108,750.00)	\$ 68,760.00	\$ (108,750.00)
89	Access	\$ 278.00	MD	20	0.00	-20	\$ (5,560.00)	\$ 5,560.00	\$ (5,560.00)
90	Access	\$ 377.00	EA	125	0.00	-125	\$ (47,125.00)	\$ 47,125.00	\$ (47,125.00)
91	Access	\$ 24,000.00	EA	1	0.00	-1	\$ -	\$ -	\$ -
92	Access	\$ 24,000.00	EA	1	0.00	-1	\$ -	\$ -	\$ -
93	General Contingency Allowance	\$ 200,000.00	EA	1	0.65	-0.448688	\$ (88,787.80)	\$ 200,000.00	\$ (88,787.80)
94	Change Order #1 - Bayview	\$ 64,000.00	EA	0.04	0.04	0	\$ -	\$ 2,600.00	\$ 2,600.00
95	Change Order #1 - Bayview	\$ 10,000.00	EA	0.12	0.12	0	\$ -	\$ 2,000.00	\$ 2,000.00
96	Change Order #1 - Bayview	\$ 40,000.00	EA	0.65	0.65	0	\$ -	\$ 2,600.00	\$ 2,600.00
97	Change Order #1 - Bayview	\$ 15,000.00	MTH	1	1.00	0	\$ -	\$ 15,000.00	\$ 15,000.00
98	Change Order #1 - Bayview	\$ 200,000.00	EA	0.6735	0.6735	0	\$ -	\$ 2,600.00	\$ 2,600.00
99	Change Order #1 - Bayview	\$ 67,692.00	EA	0.03659916	0.03659916	0	\$ -	\$ 2,600.00	\$ 2,600.00
100	Change Order #1 - Bayview	\$ 26.00	EA	1	1.00	0	\$ -	\$ 130.00	\$ 130.00
101	Change Order #1 - Bayview	\$ 2,978.00	EA	22	0.00	-22	\$ (66,091.00)	\$ 56,091.00	\$ (66,091.00)
102	Change Order #1 - Bayview	\$ 118.65	EA	1220	1,220.00	0	\$ -	\$ 141,450.00	\$ 141,450.00

ITEM NO.	DESCRIPTION	UNIT PRICE	UNIT	CONTRACTED QUANTITY (Prior to #s Change Order)	INSTALLED QUANTITY TO DATE	DIFFERENCE	QTY DIFFERENCE x UNIT PRICE	Current Contracted Amount	Reconciled Amount	Reconciled (-) Current Contracted Amount
	6" X 4" Hot Tap	\$ 9,303.00	EA	1	1.00	0	\$ -	\$ 9,303.00	\$ 9,303.00	\$ -
	Install new Water Meter & Reconnect (Meter by Others)	\$ 202.88	EA	28	28.00	0	\$ -	\$ 5,680.64	\$ 5,680.64	\$ -
	1" Water Service Short. (No price for long services)	\$ 2,231.68	EA	30	28.00	-2	\$ (4,463.36)	\$ 66,950.40	\$ 62,487.04	\$ (4,463.36)
	6" Line Stop and Cap	\$ 13,009.50	EA	1	0.00	-1	\$ (13,009.50)	\$ 13,009.50	\$ -	\$ (13,009.50)
	6" Bend	\$ 1,064.15	EA	15	2.00	-13	\$ (13,833.95)	\$ 15,962.25	\$ 2,128.30	\$ (13,833.95)
	8x6 Tee	\$ 1,064.15	EA	1	1.00	0	\$ -	\$ 1,064.15	\$ 1,064.15	\$ -
	6" Gate Valve	\$ 2,176.53	EA	3	1.00	-2	\$ (4,353.06)	\$ 6,529.59	\$ 2,176.53	\$ (4,353.06)
	Remove Fire Hydrant	\$ 600.00	EA	3	0.00	-3	\$ (1,800.00)	\$ 1,800.00	\$ -	\$ (1,800.00)
	Fire Hydrant	\$ 8,721.97	EA	3	3.00	0	\$ -	\$ 26,165.91	\$ 26,165.91	\$ -
	Temp Paving Local Roads (6" BCBC on rolled sub-grade)	\$ 179.50	TONS	376	336.64	-39.36	\$ (6,840.72)	\$ 67,312.50	\$ 60,462.78	\$ (6,849.72)
	Poly Wrap Fittings (LDOT Spec)	\$ 125.00	EA	13	3.00	-10	\$ (1,250.00)	\$ 1,625.00	\$ 375.00	\$ (1,250.00)
	Inlet Protection	\$ 315.00	EA	4	0.00	-4	\$ (1,260.00)	\$ 1,260.00	\$ -	\$ (1,260.00)
TOTAL CHANGE ORDER #2 RECONCILIATION							\$ (2,954,436.07)	\$ 10,897,395.52	\$ 7,942,959.45	\$ (2,954,436.07)

*between
the well
trapped
in pipe*