



INDIAN RIVER COUNTY, FLORIDA
AGENDA ITEM
Assistant County Administrator /
Department of General Services
Parks and Conservation Resources Division

Date: May 11, 2020
To: The Honorable Board of County Commissioners
Through: Jason E. Brown, County Administrator
Michael C. Zito, Assistant County Administrator
Kevin Kirwin, Director, Parks and Conservation Resources
From: Beth Powell, Asst. Director, Parks and Conservation Resources
Subject: Change Order #1 and #2 Jones' Pier Wetland Restoration and Conservation Improvements – Bid 2020017

DESCRIPTIONS AND CONDITIONS:

On January 7, 2020, the Board of County Commissioners approved the award of Bid Number 2020017 to XGD Systems, LLC. In the amount of \$1,393,951 for the improvements associated with the Jones' Pier Conservation Area. A notice to proceed was issued on February 14, 2020, with a contract completion by June 30, 2020. The award does not have a contingency line item to account for unforeseen changes in the scope of work due to site conditions, etc. Funding for this project is outlined in the updated Capital Improvement Element of the Comprehensive Plan.

The following change order is necessary to complete improvements to the project (more specifically detailed in the attached letter from Carter Associates, Inc. (Change Order Description and XGD Change Order 1 & 2 Proposal):

Change Order 1:

- Lighting addition to restroom per building permit approval.
- Density testing to be paid for by contractor rather than County.
- Revision to rip rap rubble in outfall ditch/stabilization with fiber mat.
- Add 60 l.f. rip rap revetment on north bank of south ditch to provide stabilization.
- Shift walking path 6' on the north side adjacent to walking trail to prevent private property erosion at the outfall ditch.
- Revised elliptical culvert on north ditch due to fabrication delays with box culvert. Added rip rap endwall and pipe bedding per IRC right of way comments.
- Fencing adjustments – direct purchase of materials by IRC for split rail fence and guardrail. Installation of split rail fence, guard rails, hog wire fence and gates by XGD.
- Added pressure treated bulkheads at the ends of boardwalks for slope transition.
- XGD supply seed for ditch banks and 6 acre future community garden due to wildflower seed not being available until Fall.

Change Order 2: (FPL, AT&T, Comcast service lines):

- Directional bore of conduit for relocated undergrounding of Florida Power & Light (FPL) and AT&T service.
- Underground utilities conduit for future service from Pavilion/Restroom to Main House and Concrete Cottage including electric, cable and phone.
- Directional bore 30 linear feet of conduit under Jungle Trail for future electrical connection to the boat lift at dock

ANALYSIS

County staff and Carter Associates, Inc., the County’s representative for Construction Administration Services, have reviewed the proposed Change Order 1 and 2 for a total of \$97,107.67 and found the cost to be comparable to similar work and industry costs. Carter & Associates reviewed the change order request and provided additional detail for each line item (see Attachment 1). Currently, the project is more than 50% complete and pay requests have been approved for \$710,085.67 of the total original project cost of \$1,393,951.68, an increase of \$139,395.17 including the balance of 10% contingency added.

The Change Order requests are summarized below:

Contract Elements	Change Order Amount
Change Order 1 Modifications 18A, 49A, 52A, 53A, 56A, 58A, 60A, 67A, 68A, 69A, 73A, Bond	\$36,971.90
Change Order 2 (Additional Utility Work)	\$60,135.77
Balance of 10% Contingency*	\$42,287.50
Total Change Order + Contingency	\$97,107.67

*calculated from total original contract price \$1,393,951.68 x 10% - CO 1 & CO2

New Contract Amount \$1,533,346.85

Change Order 2 Detail:

During the project, it was discovered that FPL, AT&T and Comcast did not have an easement for the overhead powerlines. The Phase 1 plans did not address the overhead lines and an existing pole for transmission services plus service line to the buildings would have needed to be relocated. Staff and the engineers, in consultation with FPL, AT&T and Comcast, worked to create an underground utility plan which would eliminate the overhead lines through the center of the parking area. Comcast’s line will terminate at the south edge of the property as it does not service the neighborhood to the north, however, both FPL and AT&T lines are active and serve the neighborhood to the north. The current conduit plan has been approved by FPL and AT&T. FPL has agreed to provide the conduit, however, a similar agreement for conduit and the expense of directional bore for the AT&T line has not yet been created. Because there is no easement for FPL and AT&T, it is expected that some form of financial or material assistance should be provided as a term of the easement. Florida Communities Trust (FCT) has also been consulted regarding the easements. FCT has indicated that they will approve the easement because the utilities will service the buildings on site.

FUNDING:

Upon award of the XGD Contract, funding in the amount of \$1,600,117 was approved in the Capital Improvement Element of the Comprehensive Plan updated on December 3, 2019. A portion of that funding allocation is utilized for engineering services and the Tree Mitigation Fund allocated does not qualify for certain XGD scope of work items. To accommodate the ineligible expenses that would have been funded through the Tree Mitigation Fund plus the additional Change Order items 1 and 2

(plus contingency), additional funding will need to be provided through Optional Sales Tax. Upland Mitigation Funds may be utilized for qualifying items in the XGD Scope of Work.

The additional items shown below, including the balance of a 10% contingency are to be funded through a budget amendment to each account and is proposed to be allocated as follows:

Funding Source	Account	Amount
Optional Sales Tax	31521072-066510-18010	\$165,000.00
Upland Mitigation	12721072-066510-18010	\$25,000.00
Total Requested:		\$190,000.00

The following presents the cost breakdown of the amended contract and applicable accounts to be charged:

Funding Source:	Account Number:	Total with CO 1 & 2 & Contingency
Windsor Properties Donation Exchange	00421072-066510-18010	\$ 4,277.10
Optional Sales Tax 18/19 Rollover	31521072-066510-18010	\$ 294,307.74
Optional Sales Tax 19/20	31521072-066510-18010	\$ 828,855.70
Tree Fund 117	11721072-066510-18010	\$ 31,517.48
FIND Grant	00421072-066510-18010	\$ 130,000.00
IRLNEP Grant	31521072-066510-18010	\$ 60,797.71
DEP CPI Grant	31521072-066510-18010	\$ 50,000.00
Upland Mitigation Account	12721072-066510-18010	\$ 126,089.45
Total Amended XGD Contract:		\$ 1,533,346.85

RECOMMENDATION:

Staff recommends that the Board of County Commissioners accept Change Order #1 and Change Order #2, plus the balance of a 10% contingency on the original contract price, and authorize the Chairman to execute the Change Order in for a new total contract price of \$1,533,346.85, after review and approval by the County Attorney as to form and legal sufficiency.

Staff is requesting that the Board authorize additional funding in Optional Sales Tax and the Upland Mitigation Accounts to be brought back by Budget through a formal budget amendment as shown in the table under the funding section.

Additionally, staff recommends that the Board direct and authorize the County Attorney to enter into negotiations with FPL and AT&T to finalize the necessary easements and to provide cost share reimbursement for the installation of the underground conduit, and return to the Board with agreements and easements that pertain to those services.

ATTACHMENTS:

1. Carter Associates, letter dated May 8, 2020; Re: Jones Pier Wetland Restoration and Conservation Improvements Change Order Descriptions
2. XGD Systems, LLC, Change Order Proposal #1 and #2 dated May 6, 2020
3. Change Order 1 and 2 Agreements

APPROVED AGENDA ITEM FOR MAY 19, 2020