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	.90	5. Meeting Date:	11/28/06
6. Agenda:	7. Requirement/Purpos	e: (specify)	8. Request Initiat	ted:
X Consent	Statute		Commissioner	
Administrative	Ordinance		Department	Transportation
Appeals	X Admin. Code	AC-4-4	Division	
Public	Other		By: Scott G	Gilbertson, Director
Walk-On			-	

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	v for Sched	uling:							
Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney		Budget	Services		County Manager/P.W. Director
Aufdrut		N/A		Couling 06	Analyst	Risk V8 h	Gradts	Mgr.	Jamber 11.14.16
11. Com	mission Act	ion:						a hu Calleiu	
	Approve	d		RECEIVED COUNTY AT	BY W	i	KE	c. by CoAtty	4
	Deferred			11-14-0C			Da	tel/14/00	
	Denied Other		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	COUNTY AE	P.	,	복	me: ' 30 Am	
	Omer		· · · · · · · · · · · · · · · · · · ·	FORWARDE	DMIN D TO:		Fo	rwarded To:	
				300	,			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

REQUEST FOR TRANSFER OF FUNDS

FUND NAME: Impact	Fee-Rd-N. Ft. Myers/	Alva DATE: 10/24/06	BATCH N	0.:
FISCAL YEAR: 06/07	FUND NO.: <u>18802</u>	DOC. TYPE: <u>YB</u>	LEDGER T	YPE: <u>BA</u>
TO: Ca	TO: Capital Projects		tation Capital I	Projects
(Division Name)			Program Name)	
NOTE:Please list the ac Business Unit (c (Example: BB 5	ecount number below identified by the learning to the learning	in the following order: d, subfund); Object Ac	count; Subsidia	ary; Subledger
Account Number	e <u>r</u>	Object Name	<u>I</u>	DEBIT
20402018802.506540	1	Improvement Construct	tion §	\$300,000
TOTAL TO:			<u>\$</u>	<u>8300,000</u>
FROM:	Non-Dept		Reserves	
	Division Name)	(F	Program Name)	
Account Number	<u>r 9</u>	Object Name	<u>(</u>	CREDIT
GC5890118802.509910)]	Res. For Contingencies		\$300,000
TOTAL FROM	M:		3	<u>\$300,000</u>
EXPLANATION: Trans	nsfer to complete Busi	iness 41 construction pr	roject.	
		AW H	cafe 11/	13/06
DIVISION DIRECTOR	R SIGNATURE/DATI	E DEPARTMENT	HEAD SIGNA	TURE/DATE
DBO: APPROVAL	DENIAL	Imm X. U	Nolf	11-14-06
_	 .	OPS. ANALYST	SIGNATURE	DATE
OPS. MGR.: APPROV	AL DENIAL	OPS. MGR. SIGN	I A OPT ID ID	DATE
		OFS. MOR. SIGI	NATURE	DATE
CO. MGR.: APPROVA	L DENIAL	CO. MANAGER	SIGNATURE	DATE
BCC APPROVAL DA	rr.			
DCC AFFROVAL DA	I 15:	BCC CHAIRMA	N SIGNATUR	E
DA NO	ATITU	CODE	CDANG DATE	

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

X Change Order Supplemental Task Authorization	NO.: <u>4</u>
(A Change Order or Supplemental Task Authorization I Expenditures Under \$50,000 or Approval by the County I \$100,000 or Approval by the Board of County Commission	Manager for Expenditures Between \$50,000.01 and
CONTRACT/PROJECT NAME: SR739 (US Business 41)	From Mariana Avenue to Littleton Road
CONSULTANT: Cella Molnar & Associates, Inc.	PROJECT NO.: 4020
SOLICIT NO.: <u>CN-02-04</u> CONTRACT NO.: <u>2129</u>	ACCOUNT NO. 20402018802.506540
REQUESTED BY: Don DeBerry	DATE OF REQUEST: October 3, 2006`
Upon the completion and execution of this Change Order the Consultant/Provider is authorized to and shall proceed	
EXHIBIT "CO/STA-A" SCOPE OF PROFESSIONAL SE	RVICE: DATED: October 3, 2006
EXHIBIT "CO/STA-B" COMPENSATION & METHOD OI	F PAYMENT: DATED: October 3, 2006
EXHIBIT "CO/STA-C" TIME AND SCHEDULE OF PERF	FORMANCE: DATED: October 3, 2006
CONSULTANT'S/PROVIDERS AS EXHIBIT "CO/STA-D" SUB-CONSULTANT(S)/SUB-CON	SSOCIATED NTRACTORS: DATED: October 3, 2006
EXHIBIT "CO/STA-E" PROJECT GUIDELINES AND CR	RITERIA DATED: October 3, 2006
It is understood and agreed that the acceptance of the constitutes an accord and satisfaction.	nis modification by the CONSULTANT/PROVIDER
RECOMMENDED: ACCEPTED By: Marie By: ACCEPTED By:	COUNTY APPROVAL:
Department Director Date Consultant/Provider	Department Director (Under \$50,000)
By: \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Date Approved:
(CORPORATE SEA	By: County Manager (Between \$50,000.01 and \$100,000)
APPROVED:	Date Approved:
*County Attorney's Office Date	By:
County Attorney signature needed for over Board level expenditures only	Chairwoman Board of County Commissioners (Over \$100,000) Date Approved:

CMO:023 03/14/2006

☐ CHANGE ORDER AGREEMENT No. 4
or SUPPLEMENTAL TASK AUTHORIZATION No
EXHIBIT "CO/STA-A"
Date: <u>October 3, 2006</u>
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		
SUPPLEMENTAL TASK AUTHORIZATION No.	Street	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	
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TOTAL		\$232,870.00		

(Unless list is continued on next page)

\boxtimes	CHANGE ORDER AGREEMENT No
	or
Г	SUPPLEMENTAL TASK AUTHORIZATION No. 4

SECTION 2.00 SUMMARY OF CHANGE(S) IN COMPENSATION

Pursuant to and in consideration of the change(s) in the Scope of Professional Services set forth in the CHANGE ORDER or AGREEMENT, Exhibit "CO/STA-A", the compensation the COUNTY has previously agreed to pay to the CONSULTANT, or SERVICE PROVIDER, as set forth in Exhibit "B" of the Professional Services Agreement, or Service Provider Agreement, shall be changed to be as follows:

Section/Task Number	Section/Task Name	Compensation In the Basic Agreement	Adjustment(s) by Previous CO or STA Nos. <u>1-3</u>	Adjustment(s) Due to this CO or STA	Summary of Changed Compensation
		\$1,060,409.83			\$1,060,409.83
	STA 1		0.00		0.00
	STA 2		0.00		0.00
	STA 3		\$96,700.00		\$96,700.00
	STA 4			\$232,870.00	\$232,870.00
			·		
TOTAL		1,060,409.83	\$96,700.00	\$232,870.00	1,389,979.83

CHANGE ORDER AGREEMENT No. 4	
SUPPLEMENTAL TASK AUTHORIZATION No.	EXHIBIT "CO/STA-C"
TIME AND SCHEDULE OF PERFORMANCE for SR 739 (US Business 41) from Mariana Avenue to Littleton Road	Date: October 3, 2006

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

SECTION 1.00

CHANGES FOR THIS CHANGE ORDER OR SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT

The time and schedule of completion for the various phases or tasks required to provide and perform the services, tasks, or work set forth in this CHANGE ORDER or SUPPLEMENTAL TASK AUTHORIZATION AGREEMENT, Exhibit "CO/STA-A", entitled "Scope of Professional Services" attached hereto is as follows:

Phase and/or Task Reference as Enumerated in EXHIBIT AA@	Name or Title of Phase and/or Task	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days For Completion from Date of Notice to Proceed For this CO or STA
	Construction Engineering Services and Value Engineering	180	180

CHANGE ORDE	ER AGREEMENT No. 4			
SUPPLEMENTA	AL TASK AUTHORIZATION No			
			T "CO/STA-C"	
TIME AND SCHEDULE OF PERFORMANCE Date: October 3, 2006				
for SR 739 (US Bus	siness 41) from Mariana Avenue to Littletor	n Road		
	(Enter Project Name from Pag			
	Change Order or Supplemental Task Aut	horization Agreeme	nt)	
SECTION 2.00 S	SUMMARY OF THE IMPACT OF CHANGE THE OVERALL PROJECT TIME AND SCH	(S) IN PROFESSIO EDULE OF PERFO	NAL SERVICES ON RMANCE	
Pursuant to a CHANGE ORDER of the time and scheduagreed to for all of the Agreement, shall be	and in consideration of the changes in the Sor SUPPLEMENTAL TASK AUTHORIZATION IN THE COUNTY and the CONSULTANT, on the work to be done under this Professional exchanged to be as follows:	cope of Professiona ON AGREEMENT, I IT SERVICE PROVII Services Agreemer	al Services in this Exhibit "CO/STA-A", DER, has previously of, or Service Provider	
Phase and/or Task Reference as Enumerated in EXHIBIT >A= and EXHIBIT >CO/ STA-A=	Name or Title of Phase and/or Task	Number of Calendar Days For Completion of Each Phase and/or Task	Cumulative Number of Calendar Days For Completion From Date of Notice to Proceed	
	No Change			
			<u></u>	

CHANGE ORDER AGREEMENT No. 4	
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	
	No Change	Yes	No	Туре	Yes	No
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□ CHANGE ORDER AGREEMENT No. 4	
OF 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