



CITY ATTORNEY USE ONLY

Date Received:	
Assigned To:	
File:	
Due Date:	
Hours:	

REQUEST FOR LEGAL SERVICES

TO: BEN BRYAN, JR., CITY ATTORNEY

SUBMITTED BY: TRACY TELLE, ASSISTANT CITY ENGINEER

THROUGH: JOHN R. ANDREWS, P.E., CITY ENGINEER

CITY MANAGER AUTHORIZATION: NICHOLAS C. MIMMS, P.E., CITY MANAGER

RE: JOHNSON-DAVIS, INC. CHANGE ORDER No. 3
UNIT PRICE CONTRACT FOR STORMWATER UTILITY
INFRASTRUCTURE REPAIRS
REF. BID No. 2017-024

DATE: SEPTEMBER 14, 2018

Service Required: (please circle or underline)

<u>Review Documents</u>	Draft Document	Written Opinion Requested
Attend Meetings	Advise	Other: _____

Upon review and/or "Approval as to Form and Correctness," the Department submitting the RLS is responsible for placement of any related item on a Commission or Board Agenda.

- Brief statement of the nature of the request or problem:** Review and approval of Change Order No. 3 for Form and Correctness
- Discussion of the implications and the possible impact if not apparent from preceding information:** This change order will provide construction services for the stabilization of the Mayflower Canal between Virginia Avenue and Gardenia Avenue as identified in the USDA Natural Resources Conservation Service (NRCS) Grant Agreement approved by the City Commission on May 29, 2018.
- Time considerations and their significance:** In accordance with the NRCS Agreement all work shall be completed by December 29, 2018 in order to qualify for the grant funding. Therefore, we request that this review be given priority so we may present this to the City Commission for final approval.

4. **Are City funds required? If so, list approvals obtained for expenditure of funds:** SMU funding in the amount of \$316,250 is required in order to fund the mandatory 25% construction match as stipulated within the USDA NRCS Agreement. Upon completion of City Attorney’s review Change Order No. 3 will be presented to the Commission for approval.

5. **Factual background:** This construction is needed to fulfill a portion of the NRCS Agreement requirements which provides 75% compensation for Mayflower Canal Stabilization Phase III extending between Virginia Avenue and Gardenia Avenue. The Commission previously approved Johnson-Davis Change Order No. 2 on August 6, 2018 which funded construction costs associated with the Mayflower Canal Stabilization Phases I and II.

6. **List and/or attach all related documents and known authorities (e.g., statute, ordinance, resolution, administrative code, legal case, RFP, bidder’s response, contract, lease, letter, memorandum, prior legal opinion, deed, etc.)**

- USDA NRCS Agreement
- Bid No 2017-024 Agreement
- Change Order No. 3 (2-originals)

7. **Identify prior legal assistance on this or a related matter and the attorney who handled it:**

Change Order No. 2 and USDA NRCS Agreement reviewed by James Messer

8. **If this is a request for review of a contract, provide the following:**

a. **List of individuals who have read and approved the business terms and conditions of the contract and confirmed the ability to carry out the terms of the contract as they apply to the City:** This change order has been reviewed and approved by the Assistant City Engineer

b. **Insurance requirements that differ from the City’s template insurance terms:** N/A

CITY ATTORNEY USE ONLY			
Routed for Review	Date	Response Deadline	Response

CHANGE ORDER NO. 3

UNIT PRICE CONTRACT FOR STORMWATER UTILITY INFRASTRUCTURE REPAIRS

Bid No. 2017-024

**PROJECT: MAYFLOWER CANAL STABILIZATION
PHASE III (VIRGINIA AVENUE TO GARDENIA AVENUE)**

DATE: September 5, 2018

CONTRACTOR: Johnson-Davis, Inc.

OWNER: City of Fort Pierce

ORIGINAL 2018 ANNUAL CONTRACT AMOUNT	:	\$ 200,000.00
CURRENT CONTRACT AMOUNT INCLUDING PREVIOUS CHANGE ORDERS	:	\$ 2,287,626.88
NET CONTRACT AMOUNT INCREASE RESULTING FROM THIS CHANGE ORDER	:	\$ 1,265,000.00
PROPOSED ANNUAL CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	:	\$ 3,552,626.88
PROJECT EXPIRATION DATE	:	December 29, 2018

CHANGES ORDERED:

I. GENERAL:

This Change Order includes compensation for armoring of the remaining 1,419 LF of Mayflower Canal situated between Gardenia Avenue and Virginia Avenue. During Hurricane Irene this canal sustained damage to the canal banks and as part of the USDA Natural Resources Conservation Service (NRCS) Emergency Watershed Protection Program, grant funding was made available for the repairs. The proposed work includes installation of rip-rap along the canal banks and canal bottom. All CONDITIONS, SUPPLEMENTARY CONDITIONS, SPECIFICATIONS, and all parts of the Project Manual listed in Article 1, Definitions, of the GENERAL CONDITIONS, apply to and govern all the Work under this Change Order.

II. REQUIRED CHANGES/COST ADJUSTMENTS:

<i>Description</i>	<i>Unit</i>	<i>Qty</i>	<i>Unit Price</i>	<i>Amount</i>
1. Mobilization/Bond/General Conditions	LS	1	\$70,000.00	\$70,000.00
2. Maintenance of Traffic	LS	1	\$5,400.00	\$5,400.00
3. Clearing & Grubbing	LS	1	\$25,000.00	\$25,000.00
4. Canal Excavation	CY	7,700	\$21.00	\$161,700.00
5. Bedding Stone (#4) & Filter Fabric	TN	2,200	\$90.00	\$198,000.00
6. Rip-Rap (6" -12" coquina rock) Ditch Lining	TN	7,100	\$100.00	\$710,000.00
7. 6" PVC Extension	EA	1	\$900.00	\$900.00
8. 8" PVC Extension	EA	1	\$1,000.00	\$1,000.00
9. 10" PVC Extension	EA	3	\$1,100.00	\$3,300.00
10. 15" RCP Extension	EA	2	\$1,400.00	\$2,800.00
11. 18" RCP Extension	EA	8	\$1,600.00	\$12,800.00
12. 6'x6' Concrete End Treatment	EA	3	\$500.00	\$1,500.00
13. 6'x10' Concrete End Treatment	EA	4	\$650.00	\$2,600.00
14. 6'x13' Concrete End Treatment	EA	2	\$900.00	\$1,800.00
15. 13'x13' Concrete End Treatment	EA	1	\$1,500.00	\$1,500.00
16. 20'x18' Concrete End Treatment	EA	1	\$2,100.00	\$2,100.00

17. Rework Existing Rubble Outfall	EA	1	\$4,500.00	\$4,500.00
18. Dewatering	LS	1	\$31,300.00	\$31,300.00
19. Bahia Sod w/ Grading	SY	3,600	\$8.00	\$28,800.00
NET INCREASE BY THIS CHANGE ORDER				\$1,265,000.00

III. JUSTIFICATION:

New construction

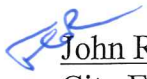
IV. PAYMENT:

This change order work will increase the existing Unit Price Stormwater Infrastructure Repairs Contract by \$1,265,000. **Funding shall be encumbered from SMU Revenue Account No. 403-4300-538-3490 with NRCS reimbursement in the amount of \$948,750.00 (75% of construction cost)**

V. APPROVAL AND CHANGE AUTHORIZATION:

Acknowledgments: The aforementioned change, and work affected thereby, is subject to all provisions of the original contract not specifically changed by this Change Order; and it is expressly understood and agreed that the approval of the Change Order shall have no effect on the original Contract other than the matters expressly provided herein.

RECOMMENDED BY:


John R. Andrews, P.E.
City Engineer

By: _____

Signature

Date: _____

9/14/18

APPROVED AS TO FORM AND CORRECTNESS:

Ben Bryan, Jr.
City Attorney

By: _____
Signature

Date: _____

APPROVED BY:

Linda Hudson
Mayor

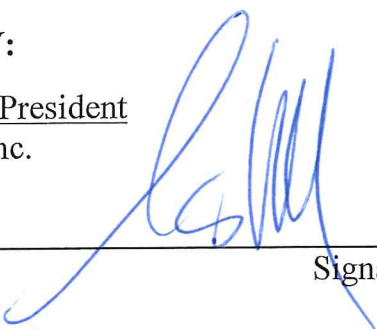
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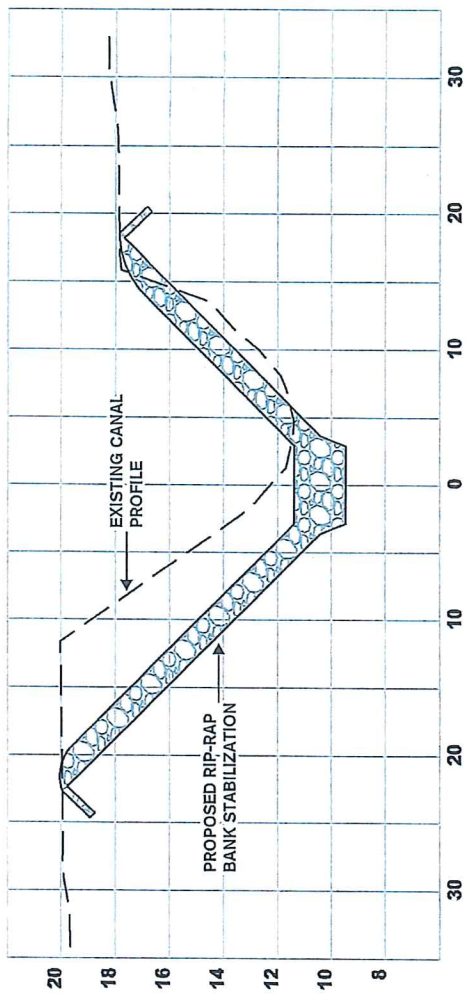
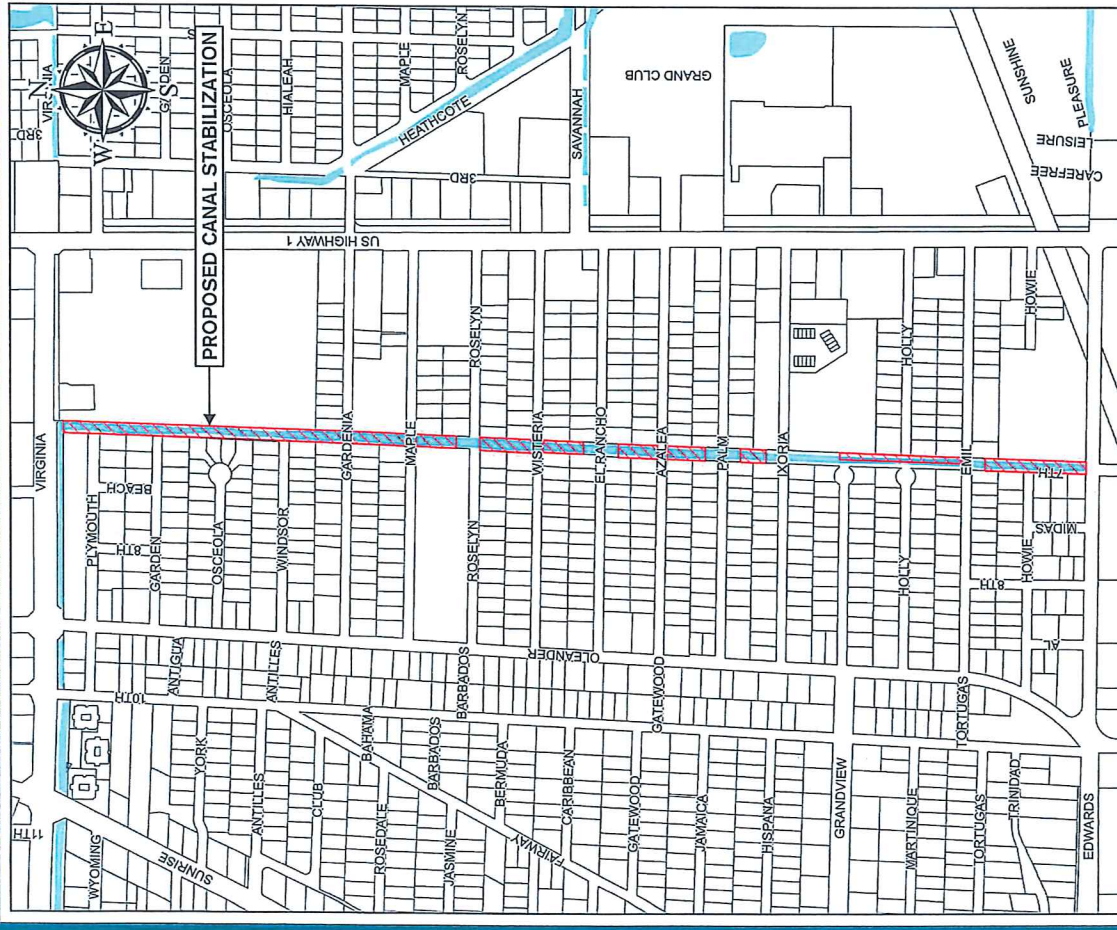
ACCEPTED BY:

Scott J. Johnson, President
Johnson-Davis, Inc.

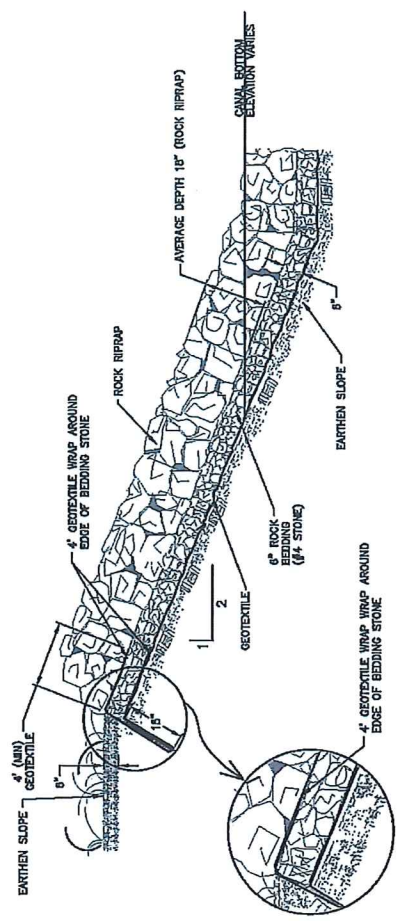
By: _____
Signature



Date: 9/10/18



TYPICAL CANAL CROSS-SECTION
 1" = 20' (horizontal) 1" = 10" (vertical)



TYPICAL ROCK RIPRAP DETAIL
 SCALE: NONE

MAYFLOWER CANAL DETAIL SHEET