



THE SUNRISE CITY  
**FORT PIERCE**  
 CITY ATTORNEY'S OFFICE *Florida*

Received

MAY 20 2019

City of Fort Pierce  
 City Manager's Office

TO: JOHN R. ANDREWS, P.E., CITY ENGINEER  
 FROM: Peter Sweeney, City Attorney  
 RE: C.W. Roberts Contracting, Inc. - Change Order No. 7  
 CAO RLS File: No. 19-135  
 DATE: May 17, 2019

RECEIVED

MAY 21 2019

CITY OF FORT PIERCE  
 ENGINEERING DEPARTMENT

I have reviewed the Request for Legal Services related to the contract with C.W. Roberts Contracting, Inc. - Change Order No. 7. It is approved as to Form and Correctness and I have signed in the appropriate signature spaces.

If you have any further questions, please contact this office via phone or email.

Thank you.

PS/mm

cc: Nicholas C. Mimms, P.E., City Manager  
 Linda Cox, City Clerk

OK  
 n/cul  
 5/21/19

RECEIVED

MAY 21 2019

CITY OF FORT PIERCE  
 ENGINEERING DEPARTMENT



Received  
 MAY 15 2019  
 City of Fort Pierce  
 City Manager's Office

CITY ATTORNEY USE ONLY

Date Received:	
Assigned To:	
File:	19-135
Due Date:	
Hours:	

RECEIVED  
 MAY 16 2019  
 City Attorney

REQUEST FOR LEGAL SERVICES

To: PETER J. SWEENEY, CITY ATTORNEY

SUBMITTED BY: JOHN R. ANDREWS, P.E., CITY ENGINEER *JRA*

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

RE: C.W. ROBERTS CONTRACTING, INC. – CHANGE ORDER No. 7

DATE: MAY 15, 2019

**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. 7 for the Furnish and Install Asphaltic Concrete 2018 Street Resurfacing by C.W. Roberts Contracting, Inc. (formerly Lynch Paving, Inc.), Bid No. 2016-016.
- Discussion of the implications and the possible impact if not apparent from preceding information:** This is the utilization of a continuing service agreement that C.W. Roberts Contracting, Inc. has with the City of Port St. Lucie. This contract is being utilized for the construction of parking improvements at Dreamland Park.
- Time considerations and their significance:** Desire to have resolution on the City Commission meeting of June 3, 2019.
- Are City funds required? If so, list approvals obtained for expenditure of funds:** Yes
- Factual background:** The City entered into a contract with C.W. Roberts to provide street resurfacing services under Bid No. 2016-016 in 2016. The City utilized this contract for the parking area and improvements associated with the "Wall of Remembrance" project. This change order is the final reconciliation of the project to pay for permit fees charged by the Building Department.

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.): (Requestor should investigate the issue and gather all documents/information pertaining to the matter from any other related departments prior to submitting the request to this office):

- Change Order No. 7

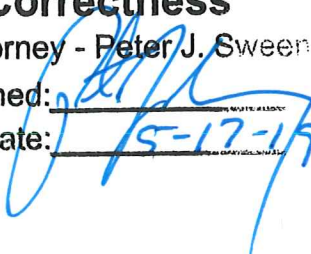
7. Identify prior legal assistance on this or a related matter and the attorney who handled it:  
 N/A

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 office is not responsible for reviewing either the accuracy or value of the business terms and conditions or product specifications of the contract as agreed upon between the department and contractor. However, this office is available to negotiate the terms as desired by the City upon request.)

City Engineer

b. Insurance requirements that differ from the City's template insurance terms: (The department should consult with the Risk Manager for each contract to determine whether there are any special insurance requirements.)

CITY ATTORNEY USE ONLY			
Routed for Review	Date	Response Deadline	Response
			<p><b>Approved as to Form            Correctness</b>            City Attorney - Peter J. Sweet            Signed:             Date: <u>5-17-17</u></p>

**CHANGE ORDER NO. 7**

**Furnish and Install Asphaltic Concrete**  
**2018 Street Resurfacing**

**Bid No. 2016-016**

**DATE:** May 15, 2019

**CONTRACTOR:** C.W. Roberts Contracting, Inc.

**OWNER:** City of Fort Pierce

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ORIGINAL CONTRACT AMOUNT	:	\$ 250,000.00
CURRENT CONTRACT AMOUNT INCLUDING PREVIOUS CHANGE ORDERS	:	\$ 2,196,628.06
NET CONTRACT AMOUNT INCREASE RESULTING FROM THIS CHANGE ORDER	:	\$ 3,258.75
PROPOSED CONTRACT AMOUNT INCLUDING THIS CHANGE ORDER	:	\$ 2,199,886.81
CURRENT CONTRACT EXPIRATION DATE	:	July 28, 2019
CONTRACT EXPIRATION DATE ADJUSTED BY THIS CHANGE ORDER	:	July 28, 2019

**CHANGES ORDERED:**

**I. GENERAL:**

This Change Order includes compensation for completion of construction of a parking lot located at Dreamland Park in conjunction with the planned "Wall of Remembrance" project, utilizing the referenced unit price contract.

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>Pay Item No.</i>	<i>Description</i>	<i>Unit</i>	<i>Quantity</i>	<i>Unit Price</i>	<i>Total</i>
1	Building Permit Fees	LS	1	\$3,258.75	\$3,258.75

**III. JUSTIFICATION:**

Fees not part of original proposal, but required by the Building Department.

**IV. PAYMENT:**

This change order work will increase the existing contract price by \$3,258.75 which will be funded by the Parks MSBU Account No. 100-1111-519-6310.

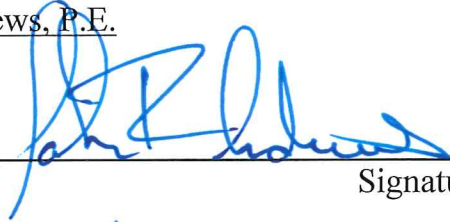
**V. APPROVAL AND CHANGE AUTHORIZATION:**

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:

5/15/19

**APPROVED AS TO FORM AND CORRECTNESS:**

Peter J. Sweeney  
City Attorney

By:



Signature

Date:

5/17/19

**APPROVED BY:**

Linda Hudson  
Mayor

By:

Signature

Date:

**ACCEPTED BY:**

Robert P. Gent, Vice-President  
C.W. Roberts Contracting, Inc.

By:



Signature

Date:

5-15-19

**CHANGE ORDER NO. 7**

**Furnish and Install Asphaltic Concrete**  
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John R. Andrews, P.E.  
City Engineer

By: 

Signature

Date: 5/15/19

**APPROVED AS TO FORM AND CORRECTNESS:**

Peter J. Sweeney  
City Attorney

By: 

Signature

Date: 5/17/19

**APPROVED BY:**

Linda Hudson  
Mayor

By: \_\_\_\_\_

Signature

Date: \_\_\_\_\_

**ACCEPTED BY:**

Robert P. Gent, Vice-President  
C.W. Roberts Contracting, Inc.

By: 

Signature

Date: 5-15-19