

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT: Amendment #4 to PS-5191-05/TLR - Engineering Design, Permitting and Post-design Services for the Central Transfer Station Citizen Area

DEPARTMENT: Administrative Services

DIVISION: Purchasing and Contracts

AUTHORIZED BY: Frank Raymond

CONTACT: Diane Reed

EXT: 7120

MOTION/RECOMMENDATION:

(Continued from 1/27/09 Board Meeting) Approve Amendment #4 to PS-5191-05/TLR with Brown and Caldwell, of Maitland, Florida, to increase the total Not-To-Exceed Amount for the term of the Agreement by an additional \$35,848.00.

County-wide

Ray Hooper

BACKGROUND:

PS-5191-05/TLR provides required professional services for the Citizen Area, including but not limited to, preliminary engineering analysis, final engineering, permitting and construction plans, signing and pavement marking plans, lighting plans, technical specifications, special provisions, and any jurisdictional agency permits necessary to provide an unloading area for deliveries of municipal solid waste, yard waste, and other waste materials delivered in small self-haul loads to the Central Transfer Station located at 1950 State Road 419, Longwood, Florida.

Since the submittal of the Environmental Resource Permit (ERP) application to the St. John's River Water Management District (SJRWMD) on November 7, 2007, the SJRWMD has sent Brown and Caldwell three (3) Requests for Additional Information (RAI), which was additional unplanned work. Brown and Caldwell has responded to all of the SJRWMD staff concerns, demonstrated that the project satisfies all SJRWMD requirements, and the ERP has been secured for the project.

Amendment #4 will provide funding for original work activities that still require completion because of the RAIs that were processed. The backup documentation includes a letter from Brown and Caldwell that outlines these activities as project management, coordination with the Development Review Committee (DRC), coordination with the County's Landscape Architect, submittal of design documents to the Building Department, updating the Engineer's Opinion of Probable Construction Cost (OPCC), preparation of final plans and specifications, and assistance to County staff during the bidding process.

The following is a summary of the total compensation for the Agreement:

Original Agreement amount	\$150,000.00
Amendment #1 (approved increase)	\$130,000.00
Amendment #2 (add reimbursable expense provisions)	0

Amendment #3 (rate increase)	0
Amendment #4 (requested increase)	\$ <u>35,848.00</u>
Revised Not-to-Exceed Agreement Total	\$ 315,848.00

This is a budgeted project and funds are available in Citizens' Services Area at Transfer Station (Account #087900.560650, CIP #00137801).

STAFF RECOMMENDATION:

Staff recommends that the Board approve Amendment #4 to PS-5191-05/TLR with Brown and Caldwell, of Maitland, Florida, to increase the total Not-To-Exceed Amount for the term of the Agreement by an additional \$35,848.00.

ATTACHMENTS:

1. PS-5191-05_TLR - Amendment #4 (Brown and Caldwell).pdf
2. Exhibit B
3. PS-5191-05_TLR Amendment #4 (Backup Documentation)

<p>Additionally Reviewed By:</p> <p><input checked="" type="checkbox"/> County Attorney Review (Ann Colby)</p>

**FOURTH AMENDMENT TO CONSULTANT SERVICES AGREEMENT FOR
ENGINEERING DESIGN, PERMITTING, AND POST-DESIGN SERVICES FOR
CENTRAL TRANSFER STATION CITIZEN AREA
(PS-5191-05/TLR)**

THIS FOURTH AMENDMENT is made and entered into this _____ day of _____, 20____ and is to that certain Agreement made and entered into on November 7, 2005, as amended on May 21, 2007, February 19, 2008, and on April 25, 2008, between **BROWN AND CALDWELL**, whose address is 850 Trafalgar Court, Suite 300, Maitland, Florida 32751, hereinafter referred to as "CONSULTANT," and **SEMINOLE COUNTY**, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as "COUNTY".

W I T N E S S E T H:

WHEREAS, the CONSULTANT and COUNTY entered into the above referenced Agreement on November 7, 2005, as amended on May 21, 2007, February 19, 2008, and on April 25, 2008, for engineering design, permitting, and post-design services for the Central Transfer Station Citizen Area in Seminole County; and

WHEREAS, the parties desire to amend the Agreement so as to enable both parties to continue to enjoy the mutual benefits it provides; and

WHEREAS, Section 19 of the Agreement provides that any amendments shall be valid only when expressed in writing and duly signed by the parties,

NOW, THEREFORE, in consideration of the mutual understandings and agreements contained herein, the parties agree to amend the Agreement as follows:

1. Section 3(a) of the Agreement is amended to read:

SECTION 3. COMPENSATION AND PAYMENT.

(a) COUNTY agrees to compensate CONSULTANT for the professional services called for under this Agreement a fee not to exceed the sum

of THREE HUNDRED FIFTEEN THOUSAND EIGHT HUNDRED FORTY-EIGHT AND NO/100 DOLLARS (\$315,848.00). CONSULTANT shall perform all work required by the Scope of Services but, in no event, shall CONSULTANT be paid more than the negotiated fee stated above. CONSULTANT shall be compensated at the rates shown on Exhibit "B" attached.

2. Except as herein modified, all terms and conditions of the Agreement shall remain in full force and effect for the term of the Agreement, as originally set forth in said Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this instrument for the purpose herein expressed.

BROWN AND CALDWELL

Witness

By: _____
STUART OPPENHEIM, Vice-President

Print Name

Date: _____

Witness

Print Name



BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

ATTEST:

By: _____
BOB DALLARI, Chairman

MARYANNE MORSE
Clerk to the Board of
County Commissioners of
Seminole County, Florida.

Date: _____

For the use and reliance
of Seminole County only.

As authorized for execution
by the Board of County Commissioners
at their _____, 20_____
regular meeting.

Approved as to form and
legal sufficiency.

County Attorney

AEC/sjs
12/11/08
F:\Users\Legal Secretary CSB\Purchasing 2008\Agreements\PS-5191-05 4th Amd.doc

EXHIBIT B

**SEMINOLE COUNTY CONTRACT NO. PS-5191-05/LTR
ENGINEERING DESIGN, PERMITTING AND POST-DESIGN SERVICES
FOR CENTRAL TRANSFER STATION CITIZEN AREA**

**SCHEDULE OF BROWN AND CALDWELL LABOR BILLING RATES
REVISED APRIL 2008**

<u>Labor Classification</u>	<u>Salary</u>	<u>Overhead %</u>	<u>Profit</u>	<u>Billing Rate</u>
Executive Engineer	\$68.00	162.0	11.0	\$198.00
Chief Engineer/Scientist	\$62.00	162.0	11.0	\$180.00
Managing Engineer/Scientist	\$55.00	162.0	11.0	\$160.00
Supervising Engineer/Scientist	\$48.00	162.0	11.0	\$140.00
Senior Engineer/Scientist	\$42.00	162.0	11.0	\$122.00
Engineer III/Scientist III	\$36.00	162.0	11.0	\$104.00
Engineer II/Scientist II	\$29.00	162.0	11.0	\$84.00
Engineer I/Scientist I	\$23.00	162.0	11.0	\$67.00
Senior Construction Manager	\$45.00	162.0	11.0	\$131.00
Construction Manager	\$34.00	162.0	11.0	\$99.00
Technician/CAD Operator	\$31.00	162.0	11.0	\$90.00
Senior Project Analyst	\$36.00	162.0	11.0	\$104.00
Administrative/Clerical	\$22.00	162.0	11.0	\$64.00

Note: Hourly billing rates are subject to revision annually

850 Trafalgar Court
Suite 300
Maitland, FL 32751
Tel: (407) 661-9500
Fax: (407) 661-9599

BROWN AND
CALDWELL

February 2, 2009

Mr. Richard Meinert
Seminole County Solid Waste Management Division
Central Transfer Station
1634 SR 419
Longwood, Florida 32750
129402.001

Subject: Request for Change Order #4
Central Transfer Station Citizen Area Project,
Contract PS-5191-05/TLR

Dear Mr. Meinert,

In previous letters, dated July 1 and August 14, 2008, Brown and Caldwell (BC) alerted the Seminole County Solid Waste Management Division (County) to the unanticipated effort being required to respond to comments from the St. John's River Water Management District (SJRWMD) during the permitting process for the Citizen Area Project at the Central Transfer Station. As documented in the August 14, 2008 letter, BC's additional cost for responding to the SJRWMD comments and securing the environmental resource permit (ERP) for the Citizen Area Project was \$35,848.00.

Because these funds were used to secure the ERP for the project, other tasks that were originally included in the project budget are now unfunded. Therefore, we are requesting additional funding for the project in the amount of \$35,848.00 to restore funding for the work activities that still must be completed. These work activities include the following:

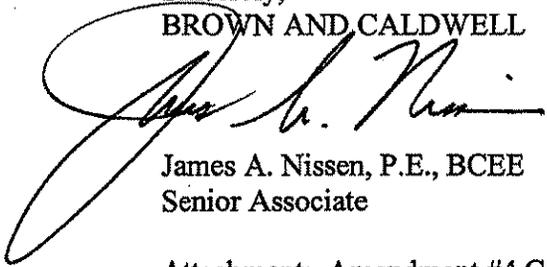
- Project management activities and project review meetings with County staff throughout the remainder of the project;
- Coordination with the Development Review Committee (DRC) to review the modifications to the stormwater system required by the SJRWMD;
- Coordination with the County's Landscape Architect on the proposed plan for replacement of trees removed from the site;
- Submittal of design documents to the Building Department for review and revisions to the design documents based on the comments received;
- Updating of the Engineer's Opinion of Probable Construction Cost (OPCC);
- Preparation of final plans and specifications and submittal to Seminole County for advertisement; and
- Assistance to County staff during the bidding process.

February 2, 2009
Mr. Richard Meinert
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A spreadsheet detailing the labor hours and costs associated with the completion of these work activities is attached.

We hope this information is helpful and will further clarify our request for supplemental project funding. However, should you have any additional questions or comments, please do not hesitate to call me at (407) 661-9517 or Mr. Dan Courcy at (407) 661-9506.

Sincerely,
BROWN AND CALDWELL

A large, stylized handwritten signature in black ink, appearing to read 'James A. Nissen', is written over the typed name and title.

James A. Nissen, P.E., BCEE
Senior Associate

Attachment: Amendment #4 Cost Estimate (revised)

cc: Johnny Edwards, Seminole County
Dan Courcy, BC

COST ESTIMATE
CENTRAL TRANSFER STATION CITIZEN AREA
PERMITTING, DESIGN AND POST-DESIGN SERVICES
AMENDMENT #4

BROWN AND CALDWELL PROJECT COSTS

TASKS	Chief Engineer	Managing Engineer	Supervising Engineer	Senior Engineer	Engineer III	CAD Operator	Project Coord	Admin/ Clerical	Total Hours	Labor Cost	Reimbursable Costs	Total Cost
ADMINISTRATION												
Project Management	2		4				12	4	22	\$2,424		\$2,424
Project Review Meetings with County staff	4	6	6			0	12	4	16	\$2,520	\$0	\$2,520
Subtotal	6	6	10	0	0	0	12	4	38	\$4,944	\$0	\$4,944
COORDINATION WITH COUNTY AGENCIES												
Coordination with County's Landscape Architect			8			8			16	\$1,840		\$1,840
Coordination with Design Review Committee			8						8	\$1,120		\$1,120
Meet with Building Department and Submit Design Docs	2	4	4			4		4	18	\$2,176		\$2,176
Respond to Building Department comments	4	8	24			4		4	44	\$5,976		\$5,976
Subtotal	6	12	44	0	0	16	0	8	86	\$11,112	\$0	\$11,112
FINALIZE DESIGN DOCUMENTS												
Finalize Design Plans (with Building Dept. comments)	2	8	6			16			34	\$4,200		\$4,200
Finalize Specifications (with Building Dept. comments)	2	12	4						18	\$2,840		\$2,840
Print Final Plans and Specifications for Bid Advertisement			2			8		8	18	\$1,512	\$184	\$1,696
Update Engineers Opinion of Probable Construction Cost	2	8	4						14	\$2,200		\$2,200
Subtotal	6	28	18	0	0	24	0	8	84	\$10,752	\$184	\$10,936
ASSISTANCE WITH BIDDING PROCESS												
Prepare Bid Form	1	8	2						11	\$1,740		\$1,740
Prepare for and Attend Pre-Bid Meeting	2	4	4						10	\$1,560		\$1,560
Respond to Inquiries from Prospective Bidders	1	4	8					4	13	\$1,940		\$1,940
Assist with Preparing Addenda to the Bid Documents	2	2	8					4	16	\$2,056		\$2,056
Review Bids and Provide Comments to County Staff	2	4	4			0			10	\$1,560	\$0	\$1,560
Subtotal	8	22	26	0	0	0	0	4	60	\$8,856	\$0	\$8,856
Total Labor Hours	26	68	98	0	0	40	12	24	268			
Total Labor Dollars	\$4,680	\$10,880	\$13,720	\$0	\$0	\$3,600	\$1,248	\$1,536		\$35,664	\$184	\$35,848