



Legislation Details (With Text)

**File #:** 20-1059      **Version:** 1      **Name:**

**Type:** Request      **Status:** Passed

**File created:** 12/9/2020      **In control:** City Commission

**On agenda:** 1/5/2021      **Final action:** 1/5/2021

**Title:** APPROVAL OF AMENDMENT NO. 3 TO BAXTER & WOODMAN, INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES (CEI) FOR THE NE 2ND AVENUE SEACREST BEAUTIFICATION PHASE 3 PROJECT (NE 22ND STREET NORTH TO GULFSTREAM BOULEVARD) IN THE AMOUNT OF \$50,000 (PROJECT NO. 17-010)

**Sponsors:** Public Works Department, Purchasing Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Legal Review Checklist Baxter Woodman re CEI services for Seacrest Phase 3 am. 3, 3. Vendor Signed - Amend 3 - 2019-029, 4. Exhibit A to Amendment 03 CEI Contract 2019-029, 5. Fully Executed - Amendment 1 to Agreement with Baxter & Woodman Inc., 6. Amendment No. 2 - Baxter & Woodman\_CEI Services for Seacrest BLVD. Phase 3

| Date     | Ver. | Action By       | Action   | Result |
|----------|------|-----------------|----------|--------|
| 1/5/2021 | 1    | City Commission | approved |        |

**TO:** Mayor and Commissioners  
**FROM:** Missie Barletto, Public Works Director  
**THROUGH:** Jennifer Alvarez, City Manager  
**DATE:** January 5, 2021

APPROVAL OF AMENDMENT NO. 3 TO BAXTER & WOODMAN, INC. FOR CONSTRUCTION, ENGINEERING, AND INSPECTION SERVICES (CEI) FOR THE NE 2ND AVENUE SEACREST BEAUTIFICATION PHASE 3 PROJECT (NE 22ND STREET NORTH TO GULFSTREAM BOULEVARD) IN THE AMOUNT OF \$50,000 (PROJECT NO. 17-010)

**Recommended Action:**

Motion to Approve Amendment No. 3 to the Agreement with Baxter & Woodman, Inc. for additional Construction, Engineering, and Inspection Services (CEI) for the NE 2nd Avenue Seacrest Beautification Phase 3 Project, in the amount of \$50,000, for a total contract amount not to exceed \$380,222.

**Background:**

On June 4, 2019, City Commission approved Resolution No. 103-19 to Baxter & Woodman, Inc. (BWI) for Professional Construction, Engineering and Inspection Services (CEI) for the construction of the NE 2nd Avenue Seacrest Beautification Phase 3 Project in the amount of \$242,108. The original time frame for the CEI Services was six (6) months.

The original Notice to Proceed to begin the construction project was issued to Rosso Site Development, Inc. (Contractor) on September 23, 2019, with Final Completion scheduled for March 21, 2020. Due to issues relating to the Florida Department of Transportation (FDOT) approved green bike lane material, the notice to proceed date was extended 133 calendar days. Including inclement

weather days and holidays, the Final Completion date was extended to August 15, 2020.

On September 30, 2020, the Interim City Manager approved Amendment No. 1 to the Agreement in the amount of \$32,928 to BWI for additional CEI services necessary due to the Contractor's projected construction schedule completion time delay. The City also issued a Notice of Concern to the Contractor due to them not achieving their contractual final completion date.

On November 10, 2020, the City Commission approved Amendment No. 2 to the Agreement in the amount of \$55,186 to BWI for additional CEI Services necessary to the Contractor's additional projected construction schedule time delay.

Unfortunately, the Contractor did not meet the new completion date of September 22, 2020 nor their revised construction completion date of November 25, 2020.

As a result of the Contractor's extended construction delays, BWI has submitted a request for additional professional CEI services in the amount of \$50,000 (total of \$138,114 for additional CEI Services). Since this project is a FDOT LAP project, the City is obligated to have full time CEI Services during the construction period. It is anticipated that the Contractor should complete the Seacrest Phase 3 Project by February 2021, therefore, CEI Services shall be extended through February 26, 2021.

The City intends to assess liquidated damages against the Contractor in the amount of \$1,665 per calendar day to recuperate the CEI costs beyond the approved construction completion date.

This motion is in accordance with the City Code of Ordinances, Section 36 and City Policies and Procedures, Change Orders and Amendments.

**Attachments:**

Legal Review Checklist

Amendment No. 3

Executed Amendment No. 1

Executed Amendment No. 2

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source:**

Funding is available from 377-72-730-572.63-20 (Capital Outlay Osceola Pk. / Other Landscp. Beaut.) pending approval of a budget transfer.

**Timing of Request:**

Approval of this amendment is time sensitive.