



## Legislation Details (With Text)

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**Title:** APPROVAL OF CHANGE ORDER NO. 1 TO THE AGREEMENT WITH MAN CON, INC. IN A NOT-TO-EXCEED AMOUNT OF \$145,691 WITH FIVE ADDITIONAL CALENDAR DAYS FOR THE NE 2ND AVENUE / SEACREST BEAUTIFICATION PHASE 2 PROJECT.

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Legal Review Checklist form v. 5 Change Order No 1 to ManCon Agreement, 3. Man Con - CO1 Seacrest Phase 2

Date	Ver.	Action By	Action	Result
11/6/2018	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Susan Goebel-Canning, Director Public Works  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** November 6, 2018

APPROVAL OF CHANGE ORDER NO. 1 TO THE AGREEMENT WITH MAN CON, INC. IN A NOT-TO-EXCEED AMOUNT OF \$145,691 WITH FIVE ADDITIONAL CALENDAR DAYS FOR THE NE 2<sup>ND</sup> AVENUE / SEACREST BEAUTIFICATION PHASE 2 PROJECT.

### **Recommended Action:**

Motion to approve Change Order No. 1 to the Agreement with Man Con, Inc. (MCI) in an amount not-to-exceed \$145,691 with five additional calendar days due to the additional 2020 square yards of ARMI Layer (extending north and south limits of the project) and removal of an additional 1,301 square yards of pavement for the NE 2<sup>nd</sup> Avenue / Seacrest Beautification Phase 2 (Project No. 16-032).

### **Background:**

The Seacrest (NE 2nd Avenue) Beautification projects initiated in response to the requests from the Del Ida Park Neighborhood Community for a more aesthetically pleasing streetscape that addressed pedestrian and bicyclist safety along a main corridor leading directly into downtown Delray Beach. The City of Delray Beach and Delray Beach CRA have acknowledged the need for beautification and other necessary improvements through the development of the Seacrest/Del-Ida Park Neighborhood Plan which was adopted by the City Commission on March 3, 1998. The Seacrest Beautification projects are federally funded through the Florida Department of Transportation (FDOT) Local Agency Program.

Wantman Group, Inc. (WGI) was contracted by the City of Delray Beach to design four separate phases (Phase 0 - Phase 3) of NE 2<sup>nd</sup> Avenue / Seacrest Beautification between 2014 - 2018. A

portion of the scope of work for each phase was to restore the existing pavement by means of mill and overlay.

WGI collected pavement cores approximately every 250 linear feet for the specific purpose of identifying the thickness of the existing pavement layer and to determine its sufficiency for mill and overlay. Phase 0 was designed, permitted and constructed completely as a mill and overlay restoration, except for the widened sections of the road (bike lanes), which required full depth construction and is common to all four phases.

During the design review process with the Florida Department of Transportation (FDOT) for Phase 1, FDOT commented that milling and resurfacing was insufficient to overcome the existing underlying damage on road sections where pavement cores revealed “full- depth” asphalt cracks. Approximately 80% of the cores collected in Phase 1 displayed full-depth cracks, therefore, WGI included an asphalt rubber membrane interlayer (ARMI) for the entire limits of the project (not including the bike lanes).

On the other hand, approximately 40% of the pavement cores collected for Phase 2 revealed full-depth cracks to the asphalt layer. Furthermore, based on the City’s budgeting constraints for the project and analysis of the pavement cores, WGI proposed the installation of the ARMI Layer only in those sections of the roadway where full-depth cracks were evident in the pavement cores.

On May 1, the City of Delray Beach City Commission (City) approved Resolution No. 26-18 to award an Agreement with MCI for the NE 2<sup>nd</sup> Avenue Seacrest / Beautification Phase 2 Project (NE 13<sup>th</sup> Street north to NE 22<sup>nd</sup> Street) in a total amount not-to-exceed \$1,611,777.

During the initial construction period of Phase 2, City Staff along with the CEI (Mathews Consulting) determined that it would be in the City’s best interest to follow best engineering practices and extend the ARMI Layer to the full extents of the project limits, which would improve the quality and expected useful life of the roadway.

Change Order No. 1: in a not-to-exceed amount of \$145,691 with five additional calendar days to MCI is requested based on the following:

Work Change Directive 001 extends the proposed Additive Alternate 2 - ARMI Layer from station 53+49.80 to the south limits at station 52+10.00 and from station 76+11.30 to the north limits at station 78+35.90. Additionally, to facilitate the ARMI Layer extension, the milling depth of 2-5/8” will also need to be provided along these sections. The costs for this work will be based on actual field measurements applied to the bid Additive Alternate Pay Item No. 30.2. in an amount not-to-exceed \$107,565.

A significant quantity overrun was discovered by the CEI for Pay Item #14 (Pavement Removal). The current total projection for this quantity is 2,601 square yards. The bid quantity amount for this item was 1,300 square yards (WGI). This results in a quantity overrun of 1,301 square yards. The total unit cost increase to the contract for the additional pavement removal is an amount not-to-exceed \$38,126.

The extension of the ARMI Layer and request for change order is a non-participating item with the Florida Department of Transportation and is therefore non-reimbursable. The revised date for Final Completion is February 14, 2019.

This recommendation complies with the City Code of Ordinances, 21-17.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

Funding is available from account number 377-41-340-541.68-18 (Capital Outlay NE 2 Ave./Seacrest Beautific Impr); if not reimbursed from the Florida Department of Transportation.

**Timing of Request:**

This item is very sensitive to meet the established construction schedule of completion.