

PORT ST. LUCIE CITY COUNCIL
AGENDA ITEM REQUEST

COUNCIL ITEM 7E
DATE 10/10/11

Meeting Date: October 10, 2011

Public Hearing Ordinance Resolution Motion

Item: Contract #20100072 Amd #1, Co #1 Design & permit for E-8 Canal Waterway South Florida Water Management District/St. Lucie River Issues Team, Phase 4, add 119 days for additional review

Recommended Action:

Approve Change Order #1 to Amendment #1 to Contract #20100072 with Captec Engineering, Inc. for E-8 Waterway Phase 4 Storm Water Quality Retrofit Engineering Services at no additional expense to add 119 calendar days for a total increase to Contract period to 453 calendar days.

All Terms, Conditions, and Addenda contained in Master Contract #20050073 shall apply.

Exhibits: Department memo attached [X] yes [] no

Copies of the Change Order.

Summary Explanation/Background Information: This project is the fourth phase of a Storm Water Quality Retrofit improvement for the existing E-8 Waterway in the City's Watershed "B" drainage basin and also contains retrofits for the existing E-5 Waterway in the City's Watershed A drainage basin. Both of these waterways discharge through existing control structures and canals that ultimately outfall into the North Fork of the St. Lucie River. This change order for additional time is to accommodate other agencies review.

Purchase () is (X) is not a replacement Purchase (X) was budgeted () was not budgeted.

Expenditure Change Order #1: \$0 total project \$491,150.00
HMGP 1561-117 R Grant \$368,363 (75%) PSL Match \$122,787 (25%)
Increase of 119 calendar days for new project total of 453 calendar days

Director of OMB concurs with award: CL City Manager concurs with award: JAB

Department requests _____ minutes to make a presentation.

Submitted by: *Patricia Roebing*

Title: City Engineer Date Submitted: 9/22/11

RECEIVED
OCT 05 2011
City Manager's Office

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City Manager's Office



"A City for All Ages"

CITY OF PORT ST. LUCIE
ENGINEERING DEPARTMENT
Accredited Agency – American Public Works Association



MEMORANDUM

To: Cheryl Shanaberger, OMB Deputy Director

Thru: James E. Angstadt, P.E. JEA

From: Larry Nadeau, Project Manager *LN*

Date: September 22, 2011

Re: CAPTEC Engineering, Inc. Contract #20100072 Amend. #1, Change Order #1
Engineering Design Services, E-8 Waterway Phase 4
Hazard Mitigation Grant Program HMGP 117-R

CAPTEC Engineering, Inc was awarded a contract to prepare design plans for the E-8 Waterway Phase 4 WQ Retrofit project. This project is sponsored by the Federal Emergency Management Agency (FEMA) through the Hazard Mitigation Grant Program (HMGP 117-R) and had an end date of October 29, 2011.

A request for extension was approved by FEMA establishing a new period of performance end date of February 15, 2012. On September 12, 2011 City Council approved the HMGP 117-R extension. The grant extension allows staffers with FEMA and the State of Florida Division of Management sufficient time to review the submitted design plans and the possibility to request and receive additional information as needed.

The Engineering Department hereby requests a no cost extension to CAPTEC's contract to coincide with the new period of performance grant end date of February 15, 2012. All other contract requirements remain the same. Please schedule Change Order No. 1 for presentation at the next available City Council meeting for their consideration. If you have any questions or require additional information, please do not hesitate to contact me.

/ln
Attachment

cc: Jesus Merejo – Utility Systems Director
Patricia Roebing, P.E. – City Engineer
Kimberly Graham, P.E. – Assistant City Engineer
Sue Walsh, Budget Specialist

Engineer Change Order Form

Project: E-8 Waterway Phase 4 WQ Retrofit
Civil Engineering Services

Change Order #1

Contract Date of Issuance: November 29, 2010

Date: September 21, 2011

Engineer: CAPTEC Engineering, Inc.

Contract Number: 20100072-Amend #1

P.O. Number: 201122212-00

The following changes are hereby made to the Contract Documents:

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price \$491,150.00	Original Contract Calendar Days: 334 Days
Net Changes from previous Change Orders Nos.: 0 \$0.00	Net change from previous Change Orders Nos.: 0 0 Days
Contract Price prior to this change Order \$491,150.00	Calendar days prior to this Change Order to 334 Days
Net increase of this Change Order \$0.00	Net increase of this Change Order 119 Days
Contract Price with all approved Change Orders \$491,150.00	Contract calendar days with all approved Change Orders 453 Days

CHANGES ORDERED:

I. GENERAL:

This change order is necessary to extend the timeline by 119 calendar days from the previous completion date. Work will be completed by February 15, 2012.

II. REQUIRED CHANGES:

Extend the Contract Time to accommodate the revised FEMA HMGP 117-R Period of Performance for the project grant Contract #11HM-02Y-10-66-02-008.

III. JUSTIFICATION:

The FEMA grant agreement was extended to provide FEMA and State of Florida Department of Emergency Management (FLDEM) staff sufficient time to review the project design plans. The extra review period will allow the City to submit additional information that may be requested by FEMA and or FLDEM. HMGP 117-R Modification #1 Revised Period of Performance was approved by City Council on September 12, 2011.

IV. PAYMENT:

No change

V. APPROVAL AND CHANGE AUTHORIZATION:

Acknowledgements:

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 matters expressly provided herein.

Change Order requested by: Larry Nadeau

Change(s) ordered by:

Accepted by:

Approved by:

CAPTEC Engineering, Inc.

Port St. Lucie

(Engineer)

(Owner)

By: Joseph W. Capra, P.E.

By:

Authorized Signature

(Authorized Signature)

September 21, 2011

(Date)

(Date)

Contract Number: 11HM-2Y-10-66-02-008

Project Number: 1561-117-R

**MODIFICATION TO SUBGRANT AGREEMENT BETWEEN
THE DIVISION OF EMERGENCY MANAGEMENT AND
THE CITY OF PORT ST. LUCIE**

This Modification Number One is made and entered into by and between the State of Florida, Division of Emergency Management ("the Division"), and the City of Port Saint Lucie ("the Recipient") to modify DEM Contract Number: 11HM-2Y-10-66-02-008, dated November 30, 2010 ("the Agreement").

WHEREAS, the Agreement expired on August 15, 2011; and

WHEREAS, the Division and the Recipient desire to reinstate the Agreement and extend the terms of the Agreement.

NOW, THEREFORE, in consideration of the mutual promises of the parties contained herein, the parties agree as follows:

1. The Agreement is hereby reinstated as though it had never expired.
2. Paragraph 3 of the Agreement is hereby amended to read as follows:

This Agreement shall begin August 13, 2010, and shall end February 15, 2012, unless terminated earlier in accordance with the provisions of paragraph (12) of this Agreement.

3. The Budget and Scope of Work, Attachment A to the Agreement, are hereby modified as set forth in the Revised Attachment A to this Modification, a copy of which is attached hereto and incorporated herein by reference.
4. All provisions of the Agreement being modified and any attachments in conflict with this Modification shall be and are hereby changed to conform with this Modification, effective on the date of execution of this Modification by both parties.
5. All provisions not in conflict with this Modification remain in full force and effect, and are to be performed at the level specified in the Agreement.
7. Quarterly reports are due to the Division no later than 15 days after the end of each quarter of the program year and shall be sent each quarter until submission of the administrative close-out report. The ending dates for each quarter of the program year are March 31, June 30, September 30 and December 31.

IN WITNESS WHEREOF, the parties hereto have executed this Modification as of the dates set out below.

RECIPIENT: CITY OF PORT ST. LUCIE

DIVISION OF EMERGENCY MANAGEMENT

By: _____

By: _____

Name and Title: _____

Name and Title: Bryan W. Koon, Director

Date: _____

Date: _____

Attachment A (Revised)

Budget and Scope of Work

Scope of Work

As a Hazard Mitigation Grant Program project, the City of Port St. Lucie proposes to improve the drainage of Watershed A & B located in the city of Port St. Lucie. A Phase I study will be conducted to determine modifications needed to improve and upgrade the existing drainage system. The completed construction project will minimize recurring flooding and reduce repetitive flood loss to properties. Phase I will provide funding for completion of design, permitting and geotechnical surveying process for this proposal.

The Phase I deliverables should:

- Have an engineer's plan that clearly shows the engineer's estimate of the pre and post-mitigation effects of the proposed project and the relationship of the damages to be mitigated (commensurate with the level of funding requested). This includes, but is not limited to, the existing and proposed hydrology and hydraulics for the level of event being mitigated.
- Demonstrate mitigation effectiveness, in part, by showing the physical location(s) and elevation(s) of the infrastructure/structures that is being damaged and the Federal Emergency Management Agency (FEMA) Special Flood Hazard Areas on the same plan.
- Meet all required environmental laws and policies. All environmental permits and approvals/concurrences must be obtained. A public notice must be published to notify interested parties of the proposed activity. Notices must be published in a manner that anyone that may be affected or interested in this project has access to the posting. The comment period expired and all comments addressed prior to initiating any construction activities.
- Refine the cost estimate (budget). A new Benefit Cost Analysis will be performed using the revised information.
- Provide a set of Community Approved, State reviewed construction plans (signed and sealed) for review and comment including milestones and timelines for completion of the final phase of the project and bid documents/award.

Phase I of this project is approved with the condition that the above list of deliverables will be submitted for review and approval by the State and FEMA before Phase II is considered. No construction work may begin until Phase II is approved.

This is FEMA project **1561-117-R**, funded under 1561-DR-FL

The Period of Performance for this project ends on February 15, 2012.

Schedule of Work

Phase I State Contracting:	3 Months
Survey:	5 Months
Engineering Design, Environmental:	5 Months
Permitting:	<u>5 Months</u>
Total Period of Performance	18 Months

Budget

Line Item Budget*

	Project Cost	Federal Share	Local Share
Phase I: Engineering, Design, Permitting:	\$491,150.00	\$368,363.00	\$122,787.00
<u>Administrative Cost:</u>	<u>\$ 0.00</u>	<u>\$ 10,824.00</u>	<u>\$ 0.00</u>
Total:	\$491,150.00	\$379,187.00	\$122,787.00

** Any line item amount in this Budget may be increased or decreased 10% or less without an amendment to this Agreement being required, so long as the overall amount of the funds obligated under this Agreement is not increased.*

Funding Summary

Federal Share:	\$368,363.00 (75%)
<u>Local Share:</u>	<u>\$122,787.00 (25%)</u>
Total Project Cost	\$491,150.00 (100%)

Recipient Administrative allowance up to \$10,824.00.