



CONSTRUCTION OVERSIGHT COMMITTEE

REGULAR MEETING AGENDA

September 29, 2017

**Immediately following the regularly scheduled
SFRTA Board Meeting that is scheduled to begin at 9:30 am**

**SFRTA
Operations Dispatch Conference Room #138**

**801 NW 33rd Street
Pompano Beach, Florida 33064**

www.sfrta.fl.gov

FOR FURTHER INFORMATION 954-788-7915

Members

Andrew Frey
Nick A. Inamdar
Gerry O'Reilly

CONSTRUCTION OVERSIGHT COMMITTEE
OF SEPTEMBER 29, 2017

The meeting will convene on Friday, September 29, 2017 immediately following the regularly scheduled SFRTA Board Meeting that is scheduled to begin at 9:30 am, and will be held in the Operations Dispatch Conference Room #138 located at SFRTA's Administrative Offices, 801 NW 33rd Street, Pompano Beach, FL 33064.

CALL TO ORDER

AGENDA APPROVAL – Additions, Deletions, Revisions

DISCUSSION ITEMS

MATTERS BY THE PUBLIC – Persons wishing to address the Committee are requested to complete an “Appearance Card” and will be limited to three (3) minutes. Please see the Minutes Clerk prior to the meeting.

REGULAR AGENDA

Those matters included under the Regular Agenda differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion, if so desired.

R1. MOTION TO APPROVE: Contract Amendment No. 041 of Agreement No. 15-001 between SFRTA and Gulf Building, LLC addressing the terms and conditions addressed in Exhibit 1 and in the amount of \$252,752.18.

Department: Engineering
Project Manager: Brandy Creed
Finance Director: Richard Chess

Department Director: Brandy Creed
Procurement Director: Christopher Bross

OTHER BUSINESS:

ADJOURNMENT:

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to the Executive Office at 801NW 33rd Street, Pompano Beach, Florida, or telephone (954) 942-RAIL (7245) for assistance; if hearing impaired, telephone (800) 273-7545 (TTY) for assistance.

Any person who decides to appeal any decision made by the Governing Board of the South Florida Regional Transportation Authority with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Persons wishing to address the Board are requested to complete an “Appearance Card” and will be limited to three (3) minutes. Please see the Minutes Clerk prior to the meeting.

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY
CONSTRUCTION OVERSIGHT COMMITTEE MEETING: SEPTEMBER 29, 2017

AGENDA ITEM REPORT

Consent Regular

CONTRACT AMENDMENT NO. 041 FOR THE OPERATIONS CENTER AND
POMPAÑO BEACH STATION IMPROVEMENTS PROJECT

REQUESTED ACTION:

MOTION TO APPROVE: Contract Amendment No. 041 of Agreement No. 15-001 between SFRTA and Gulf Building, LLC addressing the terms and conditions addressed in Exhibit 1 and in the amount of \$252,752.18.

SUMMARY EXPLANATION AND BACKGROUND:

On December 5, 2014, the SFRTA Governing Board awarded Agreement No. 15-001 for the Design Build for the Operations Center and Pompano Beach Station Improvements Project (the "Project") to Gulf Building, LLC ("Gulf"). On February 26, 2016, the Governing Board delegated to the Construction Oversight Committee the authority to approve up to \$2 million for the Project.

Recently, the City of Pompano Beach granted the Certificate of Occupancy for the Operations Center. The Project is currently in the punch list phase. Upon successful completion of the punch list, SFRTA will grant final acceptance, per the terms of the Project's Contract Documents.

SFRTA Staff and consultants have been working with Gulf to reach agreement on several issues regarding the Project, including those applicable to Work still being performed.

(Continued on Page 2)

Department: Engineering
Project Manager: Brandy Creed
Finance Director: Richard Chess

Department Director: Brandy Creed
Procurement Director: Christopher Bross

FISCAL IMPACT: Funds are budgeted in the FY 2017-2018 Capital Budget

EXHIBITS ATTACHED: Exhibit 1 - Contract Amendment No. 041

CONTRACT AMENDMENT NO. 041 FOR THE OPERATIONS CENTER AND
POMPANO BEACH STATION IMPROVEMENTS PROJECT

SUMMARY EXPLANATION AND BACKGROUND: (Continued)

Contract Amendment No. 041 (the “Contract Amendment”) (see Exhibit 1) addresses those issues, including: the date when Substantial Completion of the Station Improvements occurred; agreement on Change Order Request (“COR”)-025R, COR-025R2, COR-50 and COR-71; agreed upon amounts for extended general conditions and damages; a timeframe for completion of the punch list items (60 days), with a monetary penalty for failure to do so (\$500/day); resolution of the Buy America issue regarding drains in the Parking Garage; Gulf’s delivery of outstanding Project Documentation within a set timeframe; SFRTA’s agreement to provide Gulf with a letter of recommendation after Final Acceptance (and satisfaction of other terms); and SFRTA’s agreement to reduce the existing retainage (approximately \$2.5 million) to \$1 million.

Staff recommends approval of the Contract Amendment in the amount of \$252,752.18.

CONTRACT AMENDMENT NO. 041 FOR THE OPERATIONS CENTER AND
POMPANO BEACH STATION IMPROVEMENTS PROJECT

Recommended by: [Signature] 9/26/2017 Date
Department Director Approved by: [Signature] 9/26/17 Date
Procurement Director

Authorized by: [Signature] 9/26/17 Date
Executive Director Approved by: [Signature] 9/26/17 Date
Finance Director

Approved as to Form by: [Signature] 9-26-17 Date
General Counsel

Board Action:

Approved: Yes No

Vote: Unanimous

Amended Motion:

- Gerry O'Reilly Yes No
- Andrew Frey Yes No
- Nick A. Inamdar Yes No



CONTRACT AMENDMENT

Contract No. 15-001

Amendment No. 041

Project: Design Build Services for the SFRTA Operations Center and Pompano Beach Tri-Rail Station Improvements

Contractor: Gulf Building, LLC. (“Gulf”)

Consultant: TY Lin, International (CE&I Services)

The following changes and terms are hereby authorized to be performed and implemented by the Contractor, for the stipulated cost and/or time extension herein, upon the signatures below by SFRTA.

Description of Changes, Reasons Therefore, and Cost and/or Time Extension for Each:

1. Substantial Completion Date

Gulf and SFRTA agree that Substantial Completion of the Station occurred on January 27, 2017. Gulf agrees to submit, in proper form, a request for a time extension, at no cost, for Substantial Completion of the Station for 4 days from January 23, 2017 to January 27, 2017. SFRTA will review and consider the request for the time extension to the Overall Project Completion Date consistent with said January 27, 2017 date.

2. Extended General Conditions

SFRTA and Gulf agree to extended general conditions as follows:

(i) Gulf and SFRTA agree to resolve Gulf’s Change Order Request (COR-025R) for 133 days of extended general conditions commencing after April 15, 2016 in the original amount of \$291,979.69 for the total amount of \$99,500.00 (COR-025R2). This amount includes the following credits to SFRTA; \$95,278.89 rent credit, \$21,000.00 credit for electrical services, and \$76,200.80 credit for EIC (employee-in-charge) personnel. Gulf waives its right to Delay Damages of \$300.00/Day as outlined in paragraph 1.19.4 of the Agreement

(ii) Gulf and SFRTA agree to resolve extended general conditions in the in the original amount sought by Gulf of \$277,035.00 for the period of January 27, 2017 through July



Exhibit 1

31, 2017 for the total amount of \$92,345.00. Gulf waives its right to Delay Damages of \$300.00/Day as outlined in paragraph 1.19.4 of the Agreement.

(iii) Gulf and SFRTA agree to extended general conditions not to exceed a fixed amount of \$45,000.00 to complete the balance of Work included in all change directives issued through August 1, 2017, including CD #6 and CD #7. Gulf waives its right to Delay Damages of \$300.00/Day as outlined in paragraph 1.19.4 of the Agreement.

3. Gulf COR 071 – TVM Structural Roof Steel Framing and COR-050 - Operations Center Room Signs

SFRTA and Gulf agree that the total cost to resolve all issues with respect to COR – 071 (Ticket Vending Roofs) and COR – 050 (Operational Center Room Signs) shall be \$22,500.00. Completion of all Work required by COR-071 shall occur no later than 120 days from the date of this Contract Amendment. COR-071 shall be excluded from the timeframes and administrative fees imposed by paragraph 4 (i) below. Gulf waives its right to Delay Damages of \$300.00/Day as outlined in paragraph 1.19.4 of the Agreement.

4. Additional Terms and Conditions

(i) Gulf shall complete the Punch List dated [REDACTED] (the “Punch List”) within 60 days from the date of this Contract Amendment. SFRTA will inspect the Punch List items when requested to by Gulf and approval shall not be unreasonably withheld. Failure to complete the Punch List within the timeframe stated will result in the assessment of administrative fees in the amount of \$500.00/Day.

(ii) Gulf shall resolve, and bear all costs to resolve to FTA’s satisfaction, the Buy America issues for the deck drains in the Parking Garage. Gulf will use all reasonable efforts to resolve this issue; however, this issue shall be excluded from the time of completion requirements for the Punch List.



Exhibit 1

(iii) SFRTA to provide Gulf with a list detailing any outstanding Operating and Maintenance Manuals required by the Contract Documents that SFRTA has not yet received. Gulf will provide any outstanding Operating and Maintenance Manuals required by the Contract Documents and identified in said list 30 Days from the date of this Contract Amendment.

(iv) SFRTA will provide a positive letter of reference after timely completion of the Punch List and delivery of the Operating and Maintenance Manuals and Final Acceptance is issued by SFRTA.

(v) SFRTA will reduce retainage to \$1 million upon execution of this Contract Amendment.

5. Summary of Costs

COR 025R Extended General Conditions 133 days	\$99,500.00
Extended General Conditions 2/1/17 – 7/31/17	\$92,345.00
Extended General Conditions CD 6 and CD 7	\$45,000.00
COR 071 and COR 050	
	\$22,500.00

Cost of Change: \$252,752.18
Time Extension for change: 0 Days

TOTAL \$252,752.18

Changes pursuant to this Contract Amendment are hereby authorized to be performed by the Contractor, for the stipulated cost and/or time extension herein, upon the signature below by the representatives of SFRTA.



Exhibit 1

It is agreed that this Contract Amendment shall not alter or change in any manner the force and effect of the Contract Documents, including any previous amendments thereto, except insofar as the same is altered and amended by this Contract Amendment.

SFRTA and the Contractor agree that the Contract time adjustment, the sums agreed to in this Contract Amendment and such other terms and conditions as provided for above constitutes a full and complete resolution of all the matters set forth herein and for the Project, including all direct cost for equipment, manpower, materials, overhead, profit, and delay relating to the issues set forth in the Contract Amendment and for the Project. Furthermore, the Contractor accepts the terms of this Contract Amendment as related to cost determinations as full compensation for all costs of equipment, manpower, materials, overhead, profit and delay damages and for all their costs for the Project.

Accepted by Procurement:

Signature: _____

Name and Title: _____

Date: _____

Accepted by Project Manager:

Signature: _____

Name and Title: _____

Date: _____

Accepted by Contractor:

Signature: _____

Name and Title: _____

Date: _____

Approved by SFRTA Executive Director:

Signature: _____

Name and Title: _____

Date: _____

Approved as to form and legal sufficiency:

Signature: _____

Name and Title: _____

Date: _____



SUMMARY

Contract No. 15-001

Amendment No. 041

Project: Design Build Services for the SFRTA Operations Center and Pompano Beach Tri-Rail Station Improvements

Contractor: Gulf Building, LLC.

Consultant: TY Lin, International (CE&I Services)

COST SUMMARY

Original Contract Amount:		\$
39,438,794.47		
Cost of Amendments To-Date:		\$
<u>1,484,481.80</u>		
	SUB-TOTAL COST	\$ 40,923,276.27
Cost of This Amendment:		\$
252,752.18		
	TOTAL COST	\$ <u>41,176,028.45</u>

TIME SUMMARY

Project Location:	Station	Operations Center & Garage
Original Contract Time:	182 Days	473 Days
Time Added/Deleted by Amendments To-Date:	239 Days	205 Days
Time Added/Deleted by This Amendment:	0 Days	0 Days

Amendment/Directive No.	HISTORY Date	Increase (+) or Decrease (-)
C.A. #1	11/9/2015	+ \$38,690.34
C.A. #2	12/17/2015	+\$19,302.88
C.A. #3	4/20/2016	+37,472.02
C.A. #4	5/19/2016	+\$31,674.57
C.A. #5	7/13/2016	+\$76,787.39
C.A. #6	8/22/2016	\$582,703.57
C.A. #7	8/12/2016	+\$195,278.25
C.A. #8	8/12/2016	+\$61,773.68



Exhibit 1

C.A. #9	10/19/2016	+\$4,842.59
C.A. #9.1	3/14/2017	+\$1,930.11
C.A. #10	8/18/2016	+\$1,765.43
C.A. #11	10/19/2016	+\$2,729.73
C.A. #12	10/18/2016	+\$9,117.83
C.A. #13	10/19/2016	+\$0
C.A. #14	10/18/2016	+\$27,902.77
C.A. #15	10/25/2016	+77,282.17
C.A. #15.1	3/14/2017	+\$1,930.11
C.A. #16	11/16/2016	+\$8,462.79
C.A. #17	12/22/2016	+\$11,255.09
C.A. #18	11/21/2016	+\$944.91
C.A. #19	11/21/2016	+\$1,393.92
C.A. #20	11/21/2016	+\$0
C.A. #21	1/23/2017	+\$0
C.A. #22	VOID	+\$0
C.A. #23	12/22/2016	+5,666.25
C.A. #24	12/22/2016	+\$23,952.45
C.A. #25	12/22/2016	+\$0
C.A. #26	12/22/2016	+\$8,834.88
C.A. #27	12/22/2016	+\$20,922.54
C.A. #28	12/22/2016	+\$4,000.21
C.A. #29	2/14/2017	+\$1,758.31
C.A. #30	2/14/2017	+\$4,635.42
C.D. #1	5/5/2016	+\$54,372.91
C.D. #2	VOID	+\$0
C.A. #1.1	3/14/2017	+\$2,895.16
C.D. #3	9/7/2016	+\$1,331.43
C.D. #4	12/13/2016	+\$10,000
C.A. #4.1	3/14/2017	+\$2,895.17
C.A. #31	3/3/2017	+\$4,547.42
C.D. #5	2/14/2017	+\$15,879.03
C.A. #32	VOID	+\$0
C.A. #33	VOID	+\$0
C.A. #34	VOID	+\$0
C.A. #35	VOID	+\$0
C.A. #36	VOID	+\$0
C.A. #37	VOID	+\$0
C.A. #38	VOID	+\$0



Exhibit 1

C.A. #39	VOID	+\$0
C.A. #40	VOID	+\$0
C.D. #6	6/14/17	+\$29,709.76
C.D. #7	7/26/17	+\$99,840.71
C.A. #41	9/25/17	+\$252,752.18