

RESOLUTION NO. 2023- 3214

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, RATIFYING THE ISSUANCE OF CHANGE ORDERS NO. 1 AND NO. 2 PROVIDING FOR DIRECT PURCHASE OF MATERIALS AND EQUIPMENT, AND APPROVING CHANGE ORDER REQUESTS NO. 3 AND NO. 4 PROVIDING FOR AN INCREASE IN THE CONTRACT PRICE FOR DESIGN CHANGES, RELATED TO THE CONTRACT FOR CONSTRUCTION WITH LUNACON ENGINEERING GROUP, CORP. FOR THE 96TH STREET PARK PROJECT;; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CHANGE ORDERS TO THE CONTRACT FOR CONSTRUCTION; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 15, 2022, the Town of Surfside ("Town") Commission adopted Resolution No. 2022-2951, selecting Lunacon Engineering Group, Corp. (the "Contractor") for the construction of the Town's 96th Street Park Project (the "Project") pursuant to RFP No. 2022-05 and awarding the Contractor a contract for construction of the Project (the "Contract") in the amount of \$7,744,207.00; and

WHEREAS, the Town entered into Change Orders No. 1 and 2 to the Contract for the direct purchase of materials and equipment, resulting in a decrease to the Contract price, and is requesting approval of Change Order Requests No. 3 and 4 to the Contract, which are necessary to modify the Project design resulting in an increase to the Contract Price; and

WHEREAS, the Town entered into Change Order No.1, attached hereto as Exhibit "A," for the direct purchase of basketball court and multi-purpose field lighting and custom design for playgrounds, resulting in a Contract price savings to the Town of \$768,012.73 ("CO No. 1"); and

WHEREAS, the Town entered into Change Order No. 2, attached hereto as Exhibit "B," for the direct purchase of kayak launch materials and site furnishing materials, as well as a change of elevator type, resulting in a Contract price savings to the Town of \$162,248.41 ("CO No. 2"); and

WHEREAS, Change Order Request No. 3, attached hereto as Exhibit "C," is for modification in structural, fire, and kayak launch plans for permitting approval, a change in elevator design, and other miscellaneous design changes, resulting in an increase to the Contract price in the amount of \$265,717.17 ("CO No. 3"); and

WHEREAS, Change Order Request No. 4, attached hereto as Exhibit "D," is for exterior precast panel design changes resulting in an increase to the Contract price in the amount of \$7,289.06 ("CO No. 4"); and

WHEREAS, the change orders will result in a cumulative net decrease in the Contract price in the amount of \$687,254, for a total revised Contract price of \$7,086,952.09; and

WHEREAS, the Town Commission desires to ratify the issuance of CO No. 1 and CO No. 2 for the Project, which change orders are attached hereto as Exhibits "A" and "B," respectively, and authorize the Town Manager to enter into CO No. 3 and CO No. 4 for the Project, in substantially the forms attached hereto as Exhibits "C" and "D," respectively; and

WHEREAS, the Town Commission further desires to authorize the Town Manager to enter into such further change order(s) as may be necessary for the Project in an amount not to exceed \$150,000 in contingency; and

WHEREAS, the Town Commission finds that this Resolution is in the best interest and welfare of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That the above-stated recitals are hereby adopted and confirmed.

Section 2. Ratification of Change Orders. The Town Commission hereby ratifies and approves CO No. 1 and CO No. 2 attached hereto as Exhibits "A" and "B," respectively.

Section 3. Approval of Change Order Requests; Authorization. The Town Commission hereby approves CO No. 3 in the amount of \$265,717.17 and CO No. 4 in the amount of \$7,289.06, in substantially the forms attached hereto as Exhibits "C" and "D," respectively, for a total amount not to exceed \$273,006.23. The Town Manager is

authorized to enter into CO No. 3 and CO No.4, and if further authorized to enter into such further change orders as may be necessary for the Project in an amount not to exceed \$150,000.00 in contingency, subject to the approval of the Town Attorney as to form, content, and legal sufficiency.

Section 4. Implementation. The Town Manager and Town Officials are authorized to take any and all necessary action to implement the change orders to the Contract, and the purposes of this Resolution.

Section 5. Effective Date. That this Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED on this 10th day of October, 2023.

Motion By: Vice Mayor Rose

Second By: Commissioner Landsman

FINAL VOTE ON ADOPTION:

Commissioner Fred Landsman	<u>Yes</u>
Commissioner Marianne Meisheid	<u>Yes</u>
Commissioner Nelly Velasquez	<u>Yes</u>
Vice Mayor Jeff Rose	<u>Yes</u>
Mayor Shlomo Danzinger	<u>Yes</u>


Attest:


Sandra McCready, MMC
Town Clerk




Shlomo Danzinger, Mayor

Approved as to Form and Legal Sufficiency:


Weiss Serota Helfman Cole & Bierman, P.L.
Town Attorney



Change Order Form for Construction

Contract Title: Construction of the Town of Surfside 96 th Street Park	Contract No.: RFP 2022-05
Contractor: Lunacon Engineering Group, Corp.	Change Order No.: 001
Commencement Date: 01/17/2023	Original Substantial Completion Date: 12/18/2023
Revised Substantial Completion Date (prior to this change): 12/18/2023	Extension(s) of Time Previously Approved: 0 days
Revised Substantial Completion Date (including this change): 12/18/2023	

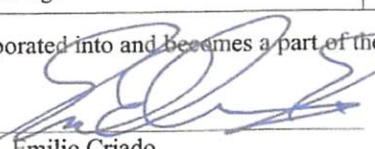
The Contractor and the Town hereby agree to modify the Contract as follows:

Item No.	Description of Change	Contract Price		Contract Time	
		Increase	Decrease	Increase	Decrease
1	Owner Direct Purchase Program for Playground Equipment and Basketball Court & Multipurpose Area Lighting (Pay Items Affected: 53, 69-70, 88-95, and 97-99)	-	(\$ 768,012.73)	-	-
2	Clarify Article 5.2.5 of the Agreement, as follows: Payment of the Contingency/Escalation Allowance (Pay Item #109) will be made monthly and based on the overall percentage of completion of the work.	-	-	-	-
	Total Changes to Contract	-	(\$ 768,012.73)	-	-

Reason for Change: Increase of contract time and cost due to the items listed.

Summary of Contract Amount	
Original Contract Amount	\$ 7,744,207.00
Change Orders Previously Approved	\$ 0.00
Adjusted Contract Value Prior to this Change Order	\$ 7,744,207.00
Cost of Changes in this Change Order	(\$ 768,012.73)
Adjusted Contract Amount Including this Change	\$ 6,976,194.27
Percentage Increase this Change Order	-9.92%
Total Percent Increase to Date	-9.92%
Extension of Time Allowed by this Change -	-

This change order is hereby incorporated into and becomes a part of the Contract.

Accepted By Contractor:  Date: 03/30/23
 Name (print name of signatory): Emilio Criado Title: Vice President

Accepted By Department Director:  Date: 3/28/23
Tim Milian, Parks & Recreation Director

Accepted By Town Manager:  Date: 03/28/23
Acting Town Manager Hector Gomez, P.E.



Change Order Form for Construction

Contract Title: Construction of the Town of Surfside 96 th Street Park	Contract No.: RFP 2022-05
Contractor: Lunacon Engineering Group, Corp.	Change Order No.: 002
Commencement Date: 01/17/2023	Original Substantial Completion Date: 12/18/2023
Revised Substantial Completion Date (prior to this change): 12/18/2023	Extension(s) of Time Previously Approved: 0 days
Revised Substantial Completion Date (including this change): 12/29/2023	

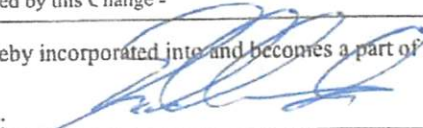
The Contractor and the Town hereby agree to modify the Contract as follows:

Item No.	Description of Change	Contract Price		Contract Time	
		Increase	Decrease	Increase	Decrease
1	Owner Direct Purchase Program for Kayak Launch Materials (Pay Item Affected: 56)	-	(\$ 49,946.49)	-	-
2	Owner Direct Purchase Program for the Site Furnishings Materials (Pay Items Affected: 72-87)	-	(\$ 74,895.92)	-	-
3	COR #2 for the change of elevator type from traction to hydraulic	-	(\$ 37,406.00)	-	-
4	Additional time due to weather delays (NTP to 8/31/2023)	-	-	11	-
	Total Changes to Contract	-	(\$ 162,248.41)	11	-

Reason for Change: Increase of contract time and cost due to the items listed.

Summary of Contract Amount	
Original Contract Amount	\$ 7,744,207.00
Change Orders Previously Approved	(\$ 768,012.73)
Adjusted Contract Value Prior to this Change Order	\$ 6,976,194.27
Cost of Changes in this Change Order	(\$ 162,248.41)
Adjusted Contract Amount Including this Change	\$ 6,813,945.86
Percentage Increase this Change Order	-2.09%
Total Percent Increase to Date	-12.01%
Extension of Time Allowed by this Change -	11 weather days from NTP through August 31, 2023

This change order is hereby incorporated into and becomes a part of the Contract.

Accepted By Contractor: 
Name (print name of signatory): Emilio Criado

Date: 9/20/2023
Title: Vice President

Accepted By Department Director: 
Tim Milian, Parks & Recreation Director

Date: 9/20/23

Accepted By Town Manager: 
Town Manager Hector Gomez, P.E.

Date: 9/20/2023



CHANGE ORDER REQUEST

DATE: September 21, 2023 COR 003 r2

PROJECT: Surfside 96th St. Park

TO: Ricardo Escobar
Town of Surfside
9293 Harding Ave.
Surfside, FL 33154

RE: COR #03 r2 - Proposed Additional Cost and Time per Drawings - Rev 02, 03 & 04

JUSTIFICATION

1. Proposed Additional Cost per Drawings - Rev 2, 3 & 4

SCOPE OF WORK

This COR includes the following items:

1. Lunacon Cost Estimate Breakdown
2. Vendor's Proposals
3. RFI's

Due to the time constraints, it is expressly agreed this Proposed Work Order is limited to the work described herein, and does not include any other work not listed in the COR nor any amounts for additional changes in the sequence of work, delays, disruptions, extended home or field office overhead, acceleration, unforeseen conditions, overtime and/or time impact costs. LUNACON hereby reserves the right to make any additional claims for any and all of those related items LUNACON might have omitted due to the time constraints and complexity of this revision. LUNACON expressly reserves the right to claim additional time for this Proposal and pertinent compensation therefore. This proposal is valid for only 90 calendar days from the date of this proposal. The cost for this additional work is as follows:

Extended General Conditions

(see attached documents)

LABOR

(see attached documents)

MATERIALS & SUPPLIES

(see attached documents)

EQUIPMENT

(see attached documents)

SUBCONTRACTS

(see attached documents, direct cost)

Subtotal (Labor+Equipment+Material+Subcontract)

Additional Costs:

Payment & Performance Bond:
GL Insurance

Rate
1.00%
0.85%

TOTALS

Self Performed Work	
Overhead and Profit	\$ -
Subtotal:	\$ -
	\$ -
Materials	\$ -
Overhead and Profit (10%)	\$ -
Subtotal:	\$ -
	\$ -
Self Performed Work	\$ -
Overhead and Profit	\$ -
Subtotal:	\$ -
	\$ -
Subtotal	\$ 237,015.61
Overhead and Profit (10%)	\$ 23,701.56
Sub Total:	\$ 260,717.17
	\$ 260,717.17
	\$ 2,607.17
	\$ 2,216.10

TOTAL OF THIS COR

ADD ☐ DEDUCT ☐

\$ 265,540.44

The Contract Time will be revised to reflect:

ADD ☐ DEDUCT ☐

20.0 Days

We reserve our rights for additional time beyond the calculated additional contract time included within this change order proposal (Lunacon COR #003). In the event that unforeseen conditions and/or additional delays to the scope of work of COR #003 impact the contract time requested in COR#003 and which impacts and delays are beyond Lunacon's control or responsibility in which event Lunacon will be entitled to additional time and costs.

LUNACON
General Contractor

Emilio Criado
Name

President
Title

Signature

Date

Having received the above, I hereby certify that to the best of my knowledge and belief, the cost or pricing data submitted reflects adequate values and that Contractor is entitled to payment and time extension as noted above.

Name

Title

Contracting Officer

Signature

Date



CHANGE ORDER REQUEST

DATE: August 23, 2023

COR 004

PROJECT: Surfside 96th St. Park

TO: Ricardo Escobar
Town of Surfside
9293 Harding Ave.
Surfside, FL 33154

DWG Reference

RE: COR #04 - Proposed Additional Cost to include additional haunches at the rear of the pieces of panel

JUSTIFICATION

1. Proposed Additional Cost to include haunches as requested by AE on Teams Meeting on 7/25/2023

SCOPE OF WORK

This COR includes the following items:

1. Lunacon Cost Estimate Breakdown
2. Vendor's Proposals
3. RFI

Due to the time constraints, it is expressly agreed this Proposed Work Order is limited to the work described herein, and does not include any other work not listed in the COR nor any amounts for additional changes in the sequence of work, delays, disruptions, extended home or field office overhead, acceleration, unforeseen conditions, overtime and/or time impact costs. LUNACON hereby reserves the right to make any additional claims for any and all of those related items LUNACON might have omitted due to the time constraints and complexity of this revision. LUNACON expressly reserves the right to claim additional time for this Proposal and pertinent compensation therefore. This proposal is valid for only 90 calendar days from the date of this additional work is as follows:

Extended General Conditions

(see attached documents)

LABOR

(see attached documents)

MATERIALS & SUPPLIES

(see attached documents)

EQUIPMENT

(see attached documents)

SUBCONTRACTS

(see attached documents, direct cost)

Subtotal (Labor+Equipment+Material+Subcontract)

Additional Costs:

Payment & Performance Bond:
GL Insurance

Rate
1.00%
0.85%

TOTALS

Self Performed Work

Overhead and Profit	\$	-
Subtotal:	\$	-
	\$	-

Materials \$ -

Overhead and Profit (10%) \$ -

Subtotal: \$ -

Self Performed Work \$ -

Overhead and Profit \$ -

Subtotal: \$ -

Subtotal \$ 6,389.88

Overhead and Profit (12%) \$ 766.79

Sub Total: \$ 7,156.67

\$ 7,156.67

\$ 71.57

\$ 60.83

TOTAL OF THIS COR

ADD ☒ DEDUCT ☐

\$ 7,289.06

The Contract Time will be revised to reflect:

ADD ☐ DEDUCT ☐

We reserve our rights for additional time beyond the calculated additional contract time included within this change order proposal (Lunacon COR #003). In the event that unforeseen conditions and/or additional delays to the scope of work of COR #003 impact the contract time requested in COR#003 and which impacts and delays are beyond Lunacon's control or responsibility in which event Lunacon will be entitled to additional time and costs.

LUNACON
General Contractor

Patricia Bonilla
Name

Project Manager
Title

Signature

Date

Having received the above, I hereby certify that to the best of my knowledge and belief, the cost or pricing data submitted reflects adequate values and that Contractor is entitled to payment and time extension as noted above.

Name

Contracting Officer
Title

Signature

Date