

**RESOLUTION NO. 2024- 3277**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, APPROVING CHANGE ORDER NO. 5 TO THE CONTRACT FOR CONSTRUCTION WITH LUNACON ENGINEERING GROUP, CORP. FOR THE 96<sup>TH</sup> STREET PARK PROJECT; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE CHANGE ORDER TO THE CONTRACT FOR CONSTRUCTION AND EXPEND FUNDS PURSUANT THERETO; RATIFYING ADDITIONAL CHANGE ORDER REQUESTS TO CHANGE ORDER NOS. 3 AND 4 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 96<sup>th</sup> Street Park Project (the "Project") pursuant to RFP No. 2022-05 and awarding the Contractor a contract for construction of the Project (the "Contract"); and

**WHEREAS**, Change Order No. 5, attached hereto as Exhibit "A" ("CO No.5"), contains additional change order requests relating to the construction of the Project in the amount of \$183,511.39; and

**WHEREAS**, on October 10, 2023, the Town Commission adopted Resolution No. 2023-3214, approving change order requests for Change Order No. 3 ("CO No. 3"); and

**WHEREAS**, the Town has since accepted additional change order requests to the scope of CO No. 3 in an additional amount of \$2,321.58, as set forth in Exhibit "B" attached hereto (the "Revised CO No. 3"); and

**WHEREAS**, on December 12, 2023, the Town Commission adopted Resolution No. 2023-3242, approving a change order request to Change Order No. 4 ("CO No. 4"); and

**WHEREAS**, the Town has since accepted additional change order requests to the scope of CO No. 4, attached hereto as Exhibit "C," in the amount of \$18,625.88 ("Revised CO No. 4"); and

**WHEREAS**, the Town Commission desires to approve CO No. 5, in substantially the form attached hereto as Exhibit "A," in the amount of \$183,511.39, and ratify Revised CO No. 3 and Revised CO No. 4, in substantially the forms attached hereto as Exhibit "B" and "C," respectively; 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.**      **Approval of Change Order No. 5; Authorization.** The Town Commission hereby approves CO No. 5, in substantially the form attached hereto as Exhibit "A," in the amount of \$183,511.39. The Town Manager is authorized to enter into CO No. 5, subject to the approval of the Town Manager and Town Attorney as to form, content, and legal sufficiency, and expend funds pursuant thereto.

**Section 3.**      **Ratification of Revised Change Orders No. 3 and 4.** The Town Commission hereby ratifies and approves Revised CO No. 3 and Revised CO No. 4

attached hereto as Exhibits "B" and "C," respectively, and authorizes the expenditure of funds pursuant thereto.

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

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

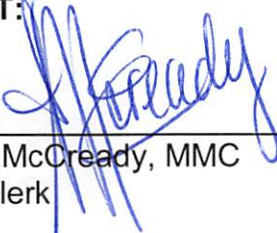
**PASSED AND ADOPTED** on this 12<sup>th</sup> day of March, 2024.

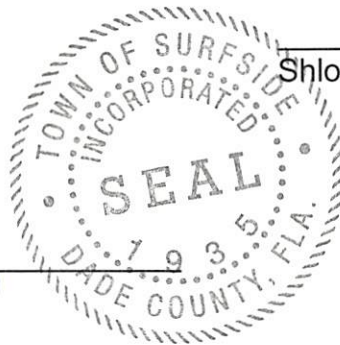
Motion By: Vice Mayor Rose  
Second By: Commissioner Landsman


**FINAL VOTE ON ADOPTION:**

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

**ATTEST:**

  
\_\_\_\_\_  
Sandra McCready, MMC  
Town Clerk



  
\_\_\_\_\_  
Shlomo Danzinger, Mayor

**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

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



## Change Order Form for Construction

Contract Title: Construction of the Town of Surfside 96th Street Park	Contract No.: RFP 2022-05
Contractor: Lunacon Engineering Group, Corp.	Change Order No.: 005
Commencement Date: 01/17/2023	Original Substantial Completion Date: 12/18/2023
Revised Substantial Completion Date (prior to this change): 1/14/2024	Extension(s) of Time Previously Approved: 40 days
Revised Substantial Completion Date (including this change): 1/31/2024	

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

Item No.	Description of Item	Contract Price (\$)		Contract Time (days)	
		Increase	Decrease	Increase	Decrease
1	COR #13 - Proposed Additional Cost for Exterior & Interior Break Metal	\$ 11,847.27	\$ -	3	0
2	COR #14 - Proposed Additional Cost for Exterior Concrete Curb	\$ 6,426.35	\$ -	0	0
3	COR #15 - Proposed Additional Cost due to Drawing Revision #5	\$ 7,460.40	\$ -	0	0
4	COR #16 - Proposed Additional Cost for Conduits in Lightning Protection	\$ 2,833.40	\$ -	0	0
5	COR #17 - Proposed Additional Cost Due to Revised Door Schedule Due to Revision 5 Drawings	\$ 5,317.87	\$ -	0	0
6	COR #20 - Proposed Additional Cost for Upgrade of Fabrics	\$ 1,204.94	\$ -	0	0
7	COR #21 - Proposed Additional Cost Due Direction Regarding Step Light Fixture and Lighting Type for GF and 2F Stairs	\$ 1,611.05	\$ -	0	0
8	COR #22 - Proposed Additional Cost on Aluminum Fences and Gates per Revision on Drawings	\$ 29,178.97	\$ -	0	0
9	COR #23 - Proposed Additional Cost for Circular Window Based on RFI # 73	\$ 1,944.65	\$ -	0	0
10	COR #25 - Proposed Additional Cost Due to Framing and Sheathing at Stairwell Concrete Beam	\$ 1,591.55	\$ -	0	0
11	COR #26 - Proposed Additional Cost for Glass Railings	\$ 85,687.36	\$ -	13	0
12	COR #27 - FPL Easement and Title Search	\$ 1,896.67	\$ -	0	0
13	COR #28 - Additional Cost for Landscape Work Due to Revision 6 Drawings	\$ 1,125.95	\$ -	0	0
14	COR #29 - Proposed Additional Costs for Secondary Service Cables	\$ 25,384.96	\$ -	0	0
15	Additional time due to weather delays (12/28/2023 to 2/22/2024)	\$ -	\$ -	1	0
<b>Total Changes to Contract</b>		<b>\$ 183,511.39</b>	<b>\$ -</b>	<b>17</b>	<b>0</b>



## Change Order Form for Construction

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

Summary of Contract Amount	
<i>Original Contract Amount</i>	\$ 7,744,207.00
Change Orders Previously Approved	\$ (676,189.03)
Adjusted Contract Value Prior to this Change Order	\$ 7,068,017.97
Cost of Changes in this Change Order	\$ 183,511.39
<i>Adjusted Contract Amount Including this Change</i>	\$ 7,251,529.36
Percentage Increase this Change Order	2.37%
Total Percent Increase to Date	-6.36%
Extension of Time Allowed by this Change	17

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: \_\_\_\_\_  
 Title: \_\_\_\_\_

Accepted by Department Director: \_\_\_\_\_  
 Tim Milian, Parks & Recreation Director

Date: \_\_\_\_\_

Accepted by Town Manager: \_\_\_\_\_  
 Town Manager Hector Gomez, P.E.

Date: \_\_\_\_\_



## Change Order Form for Construction

Contract Title: Construction of the Town of Surfside 96 <sup>th</sup> Street Park	Contract No.: RFP 2022-05
Contractor: Lunacon Engineering Group, Corp.	Change Order No.: 003
Commencement Date: 01/17/2023	Original Substantial Completion Date: 12/18/2023
Revised Substantial Completion Date (prior to this change): 12/29/2023	Extension(s) of Time Previously Approved: 11 days
Revised Substantial Completion Date (including this change): 1/9/2024	

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 Fitness Equipment Materials (Pay Item Affected: 100-103)	-	(\$ 14,881.49)	-	-
2	COR #3 for the design changes required by the Building Department associated with Plan Revisions 2, 3 & 4	\$207,406.12	-	10	-
3	COR #4 for the haunches on the architectural facing panels	\$7,129.44	-	-	-
4	COR #5 for relocation tree #21	\$1,338.82	-	-	-
5	COR #7 for Electrical Gear Revision	\$982.76	-	-	-
6	Additional time due to weather delays (8/31/2023 to 10/31/2023)	-	-	1	-
	<b>Total Changes to Contract</b>	\$216,857.14	(\$ 14,881.49)	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	(\$ 930,261.14)
Adjusted Contract Value Prior to this Change Order	\$ 6,813,945.86
Cost of Changes in this Change Order	\$ 201,975.65
Adjusted Contract Amount Including this Change	\$ 7,015,921.51
Percentage Increase this Change Order	2.61%
Total Percent Increase to Date	-9.40%
Extension of Time Allowed by this Change -	11 calendar days.

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: 11/20/2023  
 Title: President

Accepted By Department Director: \_\_\_\_\_ Date: \_\_\_\_\_  
 Tim Milian, Parks & Recreation Director

Accepted By Town Manager: \_\_\_\_\_ Date: \_\_\_\_\_  
 Town Manager Hector Gomez, P.E.



## Change Order Form for Construction

Contract Title: Construction of the Town of Surfside 96 <sup>th</sup> Street Park	Contract No.: RFP 2022-05
Contractor: Lunacon Engineering Group, Corp.	Change Order No.: 004
Commencement Date: 01/17/2023	Original Substantial Completion Date: 12/18/2023
Revised Substantial Completion Date (prior to this change): 1/9/2024	Extension(s) of Time Previously Approved: 22 days
Revised Substantial Completion Date (including this change): 1/14/2024	

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	COR #09 – Directional Boring for FPL Service	\$33,470.58	-	-	-
2	COR #11 for Additional Drinking Fountain	\$6,280.81	-	-	-
3	COR #12 for Concrete Roof Curb (Alternative A)	\$12,345.07	-	-	-
4	Additional time due to weather delays (11/1/2023 to 12/21/2023)	-	-	5	-
	<b>Total Changes to Contract</b>	\$52,096.46	-	5	-

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

<b>Summary of Contract Amount</b>	
Original Contract Amount	\$ 7,744,207.00
Change Orders Previously Approved	(\$ 728,285.49)
Adjusted Contract Value Prior to this Change Order	\$ 7,015,921.51
Cost of Changes in this Change Order	\$ 52,096.46
<i>Adjusted Contract Amount Including this Change</i>	\$ 7,068,017.97
Percentage Increase this Change Order	0.74%
Total Percent Increase to Date	-8.73%
Extension of Time Allowed by this Change -	5 calendar days.

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

Accepted By Contractor: \_\_\_\_\_ Date: \_\_\_\_\_  
 Name (print name of signatory): Emilio Criado Title: President

Accepted By Department Director: \_\_\_\_\_ Date: \_\_\_\_\_  
 Tim Milian, Parks & Recreation Director

Accepted By Town Manager: \_\_\_\_\_ Date: \_\_\_\_\_  
 Town Manager Hector Gomez, P.E.