

**THIRD AMENDMENT TO CONTRACT NO. 2022-26 WATER PIPELINE BRIDGE REPLACEMENTS –
HABERLAND/WOODHAVEN/N. TOLEDO BLADE FOR CHANGE IN SCOPE AND TIME EXTENSION**

This *Third Amendment to Contract No. 2022-26 Water Pipeline Bridge Replacements – Haberland/Woodhaven/N. Toledo Blade* for change in scope and time extension (“Third Amendment”), is made and entered into by and between the City of North Port, Florida, a municipal corporation of the State of Florida (“City”) and Spectrum Underground, Inc., which is registered to conduct business in the State of Florida and whose address is 5802 Bee Ridge Road, Suite 101, Sarasota, FL 34233 (“Contractor”).

RECITALS

WHEREAS, on or around July 12, 2022, the parties entered into *Contract No. 2022-26 Water Pipeline Bridge Replacements – Haberland/Woodhaven/N. Toledo Blade* for construction of water pipeline replacements for bridges at Haberland, Woodhaven and North Toledo Blade (the “Original Contract”); and

WHEREAS, on or around October 31, 2022, the parties entered into the *First Amendment to Contract No. 2022-26 Water Pipeline Bridge Replacements - Haberland/Woodhaven/N. Toledo Blade* for a change in scope to add the Ortiz Bridge water pipeline replacement, a time extension of 90 days, and a price increase of \$135,066.50; and

WHEREAS, on or around November 30, 2022, the parties entered into Change Order No.1 for an unforeseen tie-in to the watermain not shown on the plans and to decrease the available contingency \$31,745.00; and

WHEREAS, on or around February 28, 2023, the parties entered into the *Second Amendment to Contract No. 2022-26 Water Pipeline Bridge Replacements - Haberland/Woodhaven/N. Toledo Blade* for a change in scope to add MacCaughey Waterway Bridge wastewater pipeline replacement at Price Boulevard, a time extension of 90 days, and a price increase of \$199,227.50; and

WHEREAS, the parties mutually desire to amend the Original Contract, to extend bore lengths along the MacCaughey Waterway Bridge, to relocate the bore under the Ortiz Boulevard Watermain Bridge, a time extension of five days, and a price increase of \$81,222.50; and

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties agree that the Original Contract is amended as follows, with all other terms in the Original Contract remaining unchanged and in full force and effect:

1. EFFECT OF AMENDMENT/EFFECTIVE DATE

- A. The parties ratify the terms and conditions of the Original Contract not inconsistent with this Third Amendment, all of which are incorporated by reference as if set forth fully herein. This Third Amendment modifies the sections of the Original Contract as identified herein. Where a section of the Original Contract is not identified, the terms as they appear in the Original Contract remain and apply.

- B. All references to this "Contract" in the Original Contract and this Third Amendment mean and include both the Original Contract and this Third Amendment.
- C. This Third Amendment is effective as of the date the last party signs it as identified below (the "Effective Date") and shall continue as otherwise provided in the Original Contract.

2. ORIGINAL CONTRACT SECTION 1. B. – Time is of the Essence.

Section 1. B. of the Original Contract is amended in its entirety as follows:

- B. Time is of the Essence. Section Following the Effective Date of this Contract, the Contractor specifically agrees that it will commence operations within a mutually agreed upon time following notification by the City to commence work ("notice to proceed") and that all work performed under the provisions of this Contract must be completed in not more than **four hundred sixty five (465) calendar days** from the notice to proceed; subject only to delays caused through no fault of the Contractor or acts of God; and the work must be substantially completed within **four hundred sixty-five days (435) calendar days** from the notice to proceed, with final completion withing **thirty (30) calendar days** after attaining Substantial Completion or after delivery to the Contractor of the punch list of items for final completion, whichever is later ("Contract Time"). Contract Time may be extended due to unforeseen circumstances or unknown site conditions that alter the scope of work only as agree to in writing by both parties and incorporated into the Contract as a change order or amendment. Time is of the essence in the performance of this Contract.

3. ORIGINAL CONTRACT SECTION 2 – CONTRACT PRICE.

Section 2 of the Original Contract is amended in its entirety as follows:

The Contract price is SEVEN HUNDRED EIGHTY-SEVEN THOUSAND EIGHT HUNDRED SIXTY-SIX DOLLARS AND THIRTY-FIVE CENTS (\$787,866.35).

4. ORIGINAL CONTRACT SECTION 3. A. – Scope and Incorporation of Bid Documents.

Section 3. A. of the Original Contract is amended in its entirety as follows:

- A. Scope and Incorporation of Bid Documents. The work includes the construction of the water/wastewater pipelines bridge replacements – Haberland/Woodhaven/N. Toledo Blade/Ortiz/MacCaughey as described in the Request for Bid No. 2022-26 ("RFB"), including plans, drawings, specifications, addenda, permits, drawings, diagrams and other related documents, and the Contractor's response to the RFB; are specifically made a part of this Contract ("Contract Documents") and are incorporated by reference. In the event of a conflict between or among the documents or any ambiguity or missing specifications or instruction, the following priority is established:

- (1) This Contract No. 2022-26 approved by the City Commission, and any attachments.
- (2) The RFB, including all attachments and addenda.

(3) Contractor's response to the solicitation

(4) Specific direction from the City Manager

5. NEW ATTACHMENT 1 TO THIRD AMENDMENT – REVISED PLAN FOR ORTIZ BORE

Attachment No. 1 to Third Amendment – Revised plan for Ortiz Bore attached, is hereby added as a new attachment, and is incorporated as if set forth in the Original Contract.

IN WITNESS WHEREOF, the parties have executed this Third Amendment as follows.

SPECTRUM UNDERGROUND, INC.

By: H. R. Sunquist, Sr.
Name: Harlan R. Sunquist SR
Title: Vice President

ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF SARASOTA

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 16TH day of MARCH 2023 by H. R. SUNQUIST, SR., as V.P. for SPECTRUM UNDERGROUND, INC.


Cindy L. Huckaby-Reiser
Notary Public

Personally Known OR Produced Identification
Type of Identification Produced _____



Approved by the City Commission of the City of North Port, Florida on April 11, 2023.

CITY OF NORTH PORT



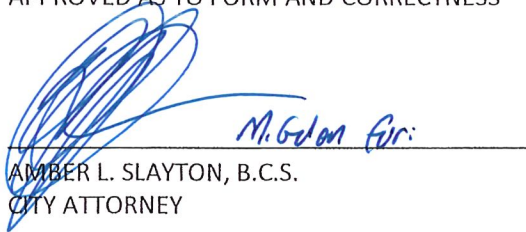
A. JEROME FLETCHER II, ICMA-CM, MPA
CITY MANAGER

ATTEST



HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS



M. Gordon Fir:

AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY



CITY OF NORTH PORT



CONTRACT/AGREEMENT AMENDMENT FORM

Amendment No.: 3

City's Contract No./ Agreement No.: 2022-26

Commission Meeting Date: 4/11/2023

Purchase Order No.: 049512

Project Name: Water Pipeline Bridge Replacements-Haberland/Woodhaven/N Toledo Blade

Originating Department/Division: Utilities/Wastewater Point of Contact/Project Manager: Jennifer Fehrs, P.E.

Contractor: Spectrum Underground, Inc.

Amendment required as a result of:

- Changed/Unforeseen Conditions
- Errors and Omissions
- Change in Scope
- Time Extension/Deletion
- Change in Price (+/-)
- Owner's Request

Please complete the following sections, and attach additional pages as necessary:

Explanation of Request (What is changing? Include effect on completion time):

Amendment No. 2 added the MacCaughey Waterway wastewater pipeline replacements to the scope of the project. The length of the bores should have been 300 linear feet, as listed on the plans. The original bid schedule included in Amendment No. 2 only included 200 linear feet for the bore. Additionally, on the Ortiz Blvd watermain bridge crossing the bore under the waterway will be moved approximately 125 feet farther northwest. The additional work at the Ortiz Blvd waterway will add 5 days to completion time.

Reason for Amendment (Why is it changing?):

There was an error on the bid schedule for Amendment No. 2, which added the wastewater pipeline replacement at the MacCaughey Waterway. Additionally, the bore location for the watermain being installed under the waterway along Ortiz Blvd needs to be extended due to a layer of rock that will not allow the bore to navigate the original bore path.

Attachments (list documents supporting change):

1. Revised Spectrum Bid Submittal for MacCaughey Waterway
2. Spectrum Change Order Request for Ortiz Blvd Watermain Replacement
3. Request for Information No. 3 with EOR Recommendation for Ortiz Bore
4. Revised Plan for Ortiz Bore

Please fill in the information below as applicable. You must double-click the chart to open in Excel before entering data.		
Account Number	Project Number	Amount
420-6062-535.63-00	U23PFM	30,660.00
306-6061-533.63-00	U21WMS	44,933.50
423-6061-533.63-00	U21WMS	5,629.00

Amendment No.: 3

City's Contract No./ Agreement No.:2022-26

CHANGE IN CONTRACT PRICE		CONTINGENCY FUNDS	
Please fill in the information below as applicable. You must double-click the chart to open in Excel before entering data.			
Original Contract Amount:	\$340,604.85	Use of Contingency Funds? (Yes or No)	No
Last Approved Amendment #	2	Original Contingency Amount:	\$54,941.00
Last Approved Change Order #	1	Approved Use of Contingency Amount:	\$31,745.00
Prior Approved Amount: Amendments	\$334,294.00	This (Decrease)/Increase:	\$0.00
Prior Approved Amount: Change Orders	\$31,745.00	Contingency Balance w/ this change approved:	\$23,196.00
Current Contract Price:	\$706,643.85		
This Change Add/(Deduct):	\$81,222.50		
Total Contract Amount w/ this change (pending approval):	\$787,866.35		

CHANGE IN CONTRACT TIME				
Please fill in the Initial & Final Dates of the Original Contract, and the Difference (days) for each subsequent amendment (the date will auto-fill for the amendment). Then fill in the corresponding Action and Basic Description. You must double-click the chart to open in Excel before entering data. There are extra rows hidden, and extra rows may be added if necessary.				
Initial Date	Final Date	Difference (days)*	Action	Basic Description
9/15/22	6/12/23	270 days	Original	Initial Execution
6/13/23	9/10/23	90 days	Amendment No. 1	Time for additional work
9/11/23	9/20/23	10 days	Change Order No. 1	Time for additional work
9/21/23	12/19/23	90 days	Amendment No. 2	Time for additional work
12/20/23	12/24/23	5 days	Amendment No. 3	Time for additional work
Total		465 days		

RECOMMENDED:

By: *H.L. Sargent Sr.* 3-16-23
Contractor Date

By: Michael Acosta Digitally signed by Michael Acosta
Date: 2023.03.15 13:13:24 -04'00'
City POC/Project Manager Date

APPROVED:

By: Nancy Gallinaro Digitally signed by Nancy Gallinaro
Date: 2023.03.17 14:00:13 -04'00'
Department Director Date

By: Lisa Herrmann Digitally signed by Lisa Herrmann
Date: 2023.03.22 09:08:18 -04'00'
Budget Administrator Date

By: Alla V. Skipper Digitally signed by Alla V. Skipper
Date: 2023.03.21 19:35:47 -04'00'
Purchasing Date
Alla V. Skipper Date: 2023.03.23
09:17:02 -04'00'
Assistant City Manager Date

By: Kimberly Williams Digitally signed by Kimberly Williams
Date: 2023.03.22 16:51:32 -04'00'
Finance Director Date
Kimberly Williams
City Manager Date

By: *Deborah Fouse* 4/11/23
City Clerk Date

By: *[Signature]* 4/11/23
City Attorney Date

RFB 2022-xx WATER PIPELINE BRIDGE REPLACEMENT (MacCaughy Bridge)					
BID FORM - TABULATION- COST SCHEDULE					
Bidders are required to complete all fields shaded in green. All other fields will be automatically calculated.					
NAME OF BUSINESS:					
CONTACT PERSON:					
EMAIL ADDRESS:					
AUTHORIZED SIGNATURE:					
ITEM #	DESCRIPTION	EST QTY	UNIT	TOTAL UNIT COST	EXTENDED COST
I GENERAL ITEMS					
1	Mobilization/Demobilization	1	LS	\$2,475.00	\$2,475.00
2	Maintenance of Traffic	1	LS	\$1,125.00	\$1,125.00
3	Erosion and Sediment Control	1	LS	\$2,659.00	\$2,659.00
4	Dewatering	1	LS	\$200.00	\$200.00
5	Survey Stake-Out	1	LS	\$3,665.00	\$3,665.00
6	Survey Record Drawings	1	LS	\$3,665.00	\$3,665.00
II WATERMAIN ITEMS					
7	10" HDPE (DR-9) by Directional Drill	300	LF	\$127.00	\$38,100.00
8	10" 11.25 Elbow	2	EA	\$1,690.00	\$3,380.00
9	10" Foster Adapt	2	EA	\$908.00	\$1,816.00
10	10"x8" Reducer	2	EA	\$1,695.00	\$3,390.00
11	8" PVC WM (C-900 DR-18)	40	EA	\$94.00	\$3,760.00
12	8" 45° Elbow	4	EA	\$1,085.00	\$4,340.00
13	8" Gave Valve	2	EA	\$3,835.00	\$7,670.00
14	8" Air Release Valves	1	EA	\$9,475.00	\$9,475.00
15	8" Connect to Existing	2	EA	\$7,587.00	\$15,174.00
16	HDPE to PVC Pipe Adapter	2	EA	\$380.00	\$760.00
17	14" HDPE (DR-9) by Directional Drill	300	LF	\$179.60	\$53,880.00
18	14" 11.25° Elbow	2	EA	\$2,848.00	\$5,696.00
19	14" Foster Adpt	2	EA	\$1,150.00	\$2,300.00
20	14"x12" Reducer	2	EA	\$2,470.00	\$4,940.00
21	12" 45° Elbow	4	EA	\$1,710.00	\$6,840.00
22	12" PVC WM (C-900 DR-18)	40	EA	\$136.00	\$5,440.00
23	12" Gave Valve	2	EA	\$5,610.00	\$11,220.00
24	12" Air Release Valves	1	EA	\$9,810.00	\$9,810.00
25	12" Connect to Existing	2	EA	\$11,272.00	\$22,544.00
26	HDPE to PVC Pipe Adapter	2	EA	\$854.00	\$1,708.00
27					\$0.00
28					\$0.00
29					\$0.00
30					\$0.00
31					\$0.00
32					\$0.00
III RESTORATION ITEMS					
33	Sod	230	SY	\$9.85	\$2,265.50
34	Swale Restoration	120	SY	\$13.25	\$1,590.00
35					\$0.00
36					\$0.00
37					\$0.00
				TOTAL BID	\$229,887.50
AWARD: THIS BID WILL BE AWARDED TO THE LOWEST, RESPONSIVE, RESPONSIBLE BIDDER					

Spectrum Underground, Inc.



EXCAVATION - PIPELINE - DIRECTIONAL BORING

TRUCKING, DEMOLITION, EARTHWORK, PAVING, STORM, SANITARY & WATER INSTALLATIONS

LICENSE #CG C008435

LICENSE #CU C056873

February 28, 2023,

Via Email

Attn: Jennifer Fehrs, P.E.
Utility Engineer
City of North Port
6644 W. Price Blvd
North Port, Fl. 34291

Re: Ortiz Bridge

Dear Mrs. Fehrs

The following is a brief recap of the additional costs if RFI #3 is accepted. This is being submitted for your review and consideration for change order action. After review if you require any additional information please advise.

Ortiz Bridge

Additional 125 LF of 14" HDPE	\$28,412.50
Directional Drill Cost for ROCK	\$21,900.00
MOT	\$ 250.00

Total Cost \$50,562.50

We would also be asking for an additional (5) days added to the contract duration

Sincerely

Spectrum Underground, Inc.

William Chapman

William Chapman
Project Manager

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SPECTRUM UNDERGROUND, INC.

EXCAVATING -PIPE LINE-DIRECTIONAL BORING

5802 BEE RIDGE ROAD, SUITE 101

SARASOTA, FL. 34233

OFFICE: 941-342-6708

FAX: 941-342-6710

EMAIL: INFO@SPECTRUMUNDERGROUND.COM

" An Equal Opportunity Employer"

REQUEST FOR INFORMATION

PROJECT NUMBER: 2022-26

RFI NUMBER: 03

PROJECT NAME: Water Pipeline Bridge Replacements

DATE ISSUED: 02/28/23

TO: Jennifer Fehrs

DATE REQUIRED: ASAP

REASON FOR REQUEST:

ACTION REQUESTED:

PROBABLE EFFECT:

Insufficient Info.

Design Conflict

Alternate Proposal

Value Engineering

Other (Describe Below)

Clarification

Direction

Approval

Urgent

Other (Describe Below)

Increase Cost

Decrease Cost

No Cost Effect

Impact Schedule

Increase Time

Decrease Time

No Time Effect

REQUEST:

There is a layer of rock 15' to 20' deep at the Ortiz Bridge Bore. The strata will not allow the The bore to turn up or down to navigate the bore path.

PROPOSED SOLUTION:

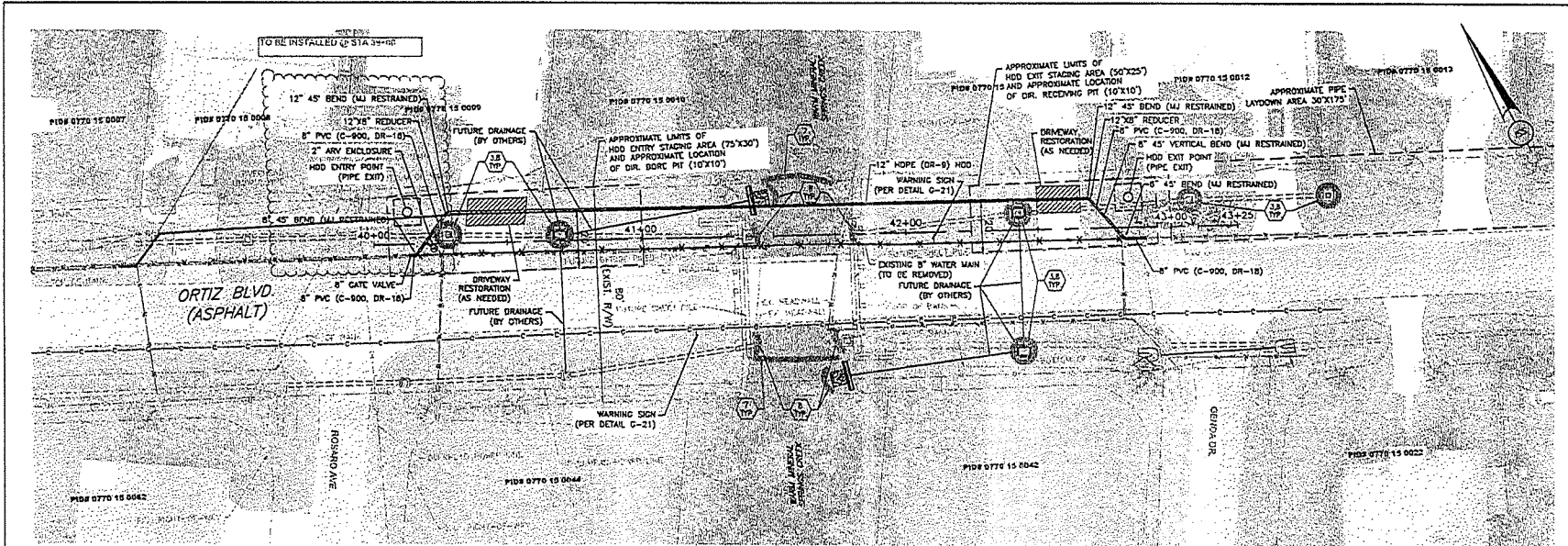
Extend bore aprox 125 lf farther NW to STA. 39+00 and tie-in as proposed @ STA. 40+25

After discussions with the City, ISS agrees with the Contractors request to extend bore an addtl 125' due to an unexpected rock layer.

Sincerely,

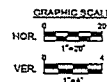
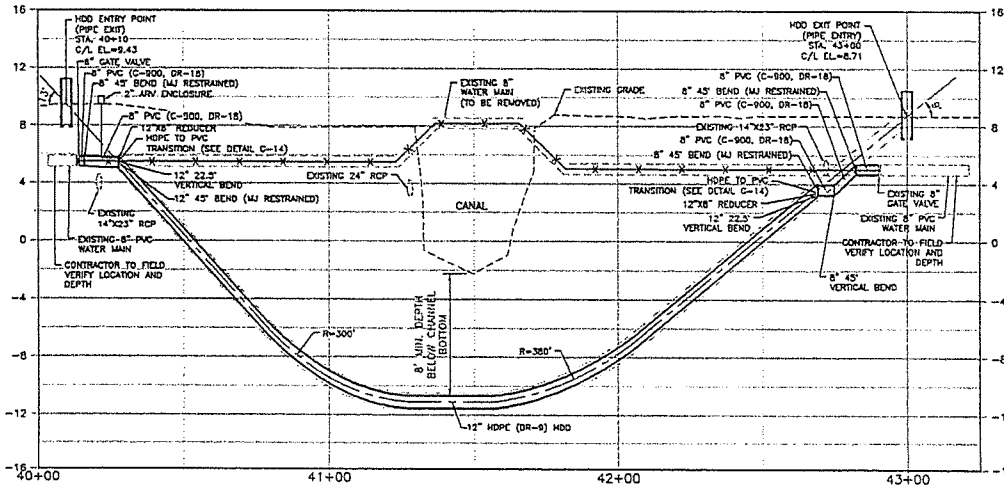
Spectrum Underground, Inc.

By: Bill Chapman / Project Manager



EXISTING 8" WATER MAIN NOTES:

1. THE EXPOSED EXISTING 8" WATER MAIN (APPROX. FROM STA. 41+30 TO STA. 41+71) TO BE REMOVED FROM BRIDGE DECK.
2. THE BURIED EXISTING 8" WATER MAIN (APPROX. FROM STA. 40+11 TO STA. 41+30 AND FROM STA. 41+71 TO STA. 42+90) TO BE ABANDONED OR REMOVED.



DESIGNED BY: J. H. HOBBS, PROFESSIONAL ENGINEER, STATE OF FLORIDA PROJECT NO. 2021-001 DATE: 02/04/22	
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ISS INFRASTRUCTURE SOLUTION SERVICES
 7319 MacDiamant Court, Suite B
 Sarasota, FL 34240
 P: 941.554.2200
 F: 941.554.2201
 www.issolutions.com

UTILITY PLAN AND PROFILE
 (ORTIZ BLVD.)
 2021 WATER PIPELINE BRIDGE REPAIRS/REPLACEMENTS
 HARBORLAND/WOODHAVEN/IN. TOLEDO BLADE/ORTIZ
 BLVD.
 CITY OF NORTH PORT

PROJECT NO.	DATE	DESIGNED BY	CHECKED BY
NPT001	02/04/22	JWR	NWYM
TITLE	SCALE	DATE	BY
	1" = 20'		

CU-104