



CITY OF NORTH PORT



CONTRACT/AGREEMENT AMENDMENT FORM

Amendment No.: 1

City's Contract No./ Agreement No.: 2020-38

Commission Meeting Date: 9/8/2020

Purchase Order No.: 48485

Project Name: MCWTP Structural Rehabilitation Phase 1 – Flocculation Tank No.1 Repairs

Originating Department/Division: Utilities/Water

Point of Contact/Project Manager: Jennifer Fehrs, P.E.

Contractor: Zep Construction, 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):

The work includes the removal of all additional subgrade material to the top of the existing concrete wall footings, compaction of the existing subgrade, installation of filter fabric on top of the existing compacted subgrade, and the installation of excavatable flowable fill from the top of the filter fabric/top of wall footing, to bottom of new concrete slab to be poured. This will add five additional days to the project schedule.

Reason for Amendment (Why is it changing?):

During excavation of the slab of the tank, the existing subgrade soil was found to be disturbed and in poor condition due to the age of the tank and subgrade underneath the tank. The original tank was constructed in 1962. The subgrade has been determined to be unsuitable for re-use by the consulting engineer.

Attachments (list documents supporting change):

1. Zep Construction Proposal for additional work
2. Updated Subgrade Correction Below Concrete Slab Response (RFI#002-2)

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
420-6061-533.63-00	U20F1R	23,277.18

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:	\$139,953.00	Use of Contingency Funds? (Yes or No)	No
Last Approved Amendment #	0	Original Contingency Amount:	
Last Approved Change Order #	0	Approved Use of Contingency Amount:	
Prior Approved Amount: Amendments	\$0.00	This (Decrease)/Increase:	
Prior Approved Amount: Change Orders	\$0.00	Contingency Balance w/ this change approved:	\$0.00
Current Contract Price:	\$139,953.00		
This Change Add/(Deduct):	\$23,277.18		
Total Contract Amount w/ this change (pending approval):	\$163,230.18		

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
7/13/20	12/10/20	150 days	Original	Initial Execution
12/11/20	12/16/20	5 days	Contract Amendment No. 1	Time needed for additional work
Total		155 days		
* Calendar days (not working days)				

RECOMMENDED:

By: Jamie R. Booth Digitally signed by Jamie R. Booth
Date: 2020.07.24 15:22:48 -04'00'

Contractor Date

By: Jennifer Fehrs Digitally signed by Jennifer Fehrs
Date: 2020.07.23 14:26:22 -04'00'

City POC/Project Manager Date

APPROVED:

By: Richard Newkirk Digitally signed by Richard Newkirk
Date: 2020.08.11 13:50:57 -04'00'

Department Director Date

By: Lisa Herrmann Digitally signed by Lisa Herrmann
DN: cn=Lisa Herrmann, o=City of North Port, ou=Finance, email=lherrmann@cityofnorthport.com, c=US
Date: 2020.08.18 15:36:16 -04'00'

Budget Administrator Date

By: Alla V. Skipper Digitally signed by Alla V. Skipper
Date: 2020.08.18 15:29:23 -04'00'

Purchasing Date

By: Kimberly Ferrell Digitally signed by Kimberly Ferrell
Date: 2020.08.21 14:02:50 -04'00'

Finance Director Date

By: _____
Assistant City Manager Date

By: [Signature] 9/10/20
City Manager Date

By: [Signature] 9/14/20
City Clerk Date

By: [Signature] 9/11/2020
City Attorney Date

Proposal

From: ZEP Construction, Inc.
7802 Jean Blvd
Fort Myers, FL 33967 USA
Phone: 239-267-8778

Project: MCWTP - FLOC TANK #1 - EXTRA #1
Description: Flowable Fill Placement for
Subgrade under Tank's Concrete
Slab

ITEM / DESCRIPTION	BID QTY	U/M	UNIT BID	AMOUNT
999-1 Flowable Fill Placement for Subgrade	1.000	LS	\$23,277.18 *	\$23,277.18

TOTAL BID: \$23,277.18

* CAUTION!!! The total bid shown may not be correct because of rounding. To correct rounding, return to the bid sheet and physically type Bid Units for all items with an * next to the Bid Unit value.

Signature: _____



**PROJECT : MCWTP - FLOC TANK #1 - ITEM SHEET COSTS
AS SHOWN**

Date : 7/21/2020 8:20:05AM

Item:	999-1	Unit of Measure:	LS
Description:	Flowable Fill Placement for Subgrade	Bid Quantity:	1.00
Cost Code:		Take-off Quantity:	1.000
Production:	DAYS	Total Man-Hours:	250.00
Hours per Day:	10	Man-Hours per Unit:	250.0000
Alternate:		Units / MH:	0.0040

Item Production

ITEM#	DESCRIPTION	U/M	QTY	Time Units	Time Req'd
999-1	Flowable Fill Placement for Subgrad	LS	1.00	0.20 (D)	5.00

Cost Detail for Item 999-1

R Code	Description	QTY	U/M	Factor	Rate	Cost
L 000002	SUP B	1.00		5.00	655.60	3,278.00
L 000020	CRANE OPERATOR I	1.00		5.00	327.80	1,639.00
L 000040	CARPENTER I	2.00		5.00	278.63	2,786.30
L 000042	CARPENTER HELPER	1.00		5.00	229.46	1,147.30
E 000004	CRANE 5530	1.00		5.00	420.00	2,100.00
E 000053	CONCRETE BUCKETS	1.00		5.00	15.00	75.00
E 60	TAMPER HAND OPERATED	2.00		2.00	60.00	240.00
E 000050	PICK UP	1.00		5.00	60.00	300.00
E 51	SMALL TOOLS - Shovels, etc.	3.00		1.00	60.00	180.00
M WRITEIN	D2 Filter Fabric	100.00	SY	1.00	1.31	130.54
M WRITEIN	Filter Fabric Stakes	25.00	EA	1.00	1.07	26.75
M WRITEIN	Excavatable Flowable Fill	65.00	CY	1.00	106.73	6,937.61
S WRITEIN	Site Services	3.00	Loads	1.00	224.70	674.10
M WRITEIN	Visqueen	2.00	ROLLS	1.00	80.25	160.50
Item Unit Cost:		19,675.10	Item Total Cost:		19,675.10	

	Labor	Equipment	Rental Eq	Material	Subcontract	Other
Total:	8,850.60	2,895.00	0.00	7,255.40	674.10	0.00
Unit:	8,850.60	2,895.00	0.00	7,255.40	674.10	0.00

Bid Data for Item: 999-1

	Quantity	Bid Unit	Bid Amount	Total Cost	Prof & Ovhd	Windfall
Bid Qty:	1.00	23,277.18	23,277.18	19,675.10	3,602.08	
Take-off Qty:	1.00	23,277.18	23,277.18	19,675.10	3,602.08	0.00

JOB TOTALS

Project: MCWTP - FLOC TANK #1 - EXTRA #1

Description Flowable Fill Placement for Subgrade under Tank's Concrete Slab
 Bid Date 01/01/1900
 Revised
 Location City of North Port
 Contract # 2020-38

	MARKUP %	MARKUP AMT	TOTAL	% of DIRECT COST	% of SALES
Labor	17.50 %	1,548.86	8,850.60	44.98 %	38.02 %
Equipment	17.50 %	506.63	2,895.00	14.71 %	12.44 %
Rental EQ	17.50 %	0.00	0.00	0.00 %	0.00 %
Material	17.50 %	1,269.70	7,255.40	36.88 %	31.17 %
Subcontract	10.00 %	67.41	674.10	3.43 %	2.90 %
Other	17.50 %	0.00	0.00	0.00 %	0.00 %
Direct Cost Total:			19,675.10	100 %	84.53 %
Project Overhead Table	0.00 %	0.00	0.00	0.00 %	0.00 %
Project Overhead	0.00 %	0.00	0.00	0.00 %	0.00 %
Total Job Cost:			19,675.10	100.00 %	84.53 %
Total Direct Cost Markup Amt:			3,392.59	17.24 %	14.57 %
Fringe Benefits	0.00 %	0.00	0.00	0.00 %	0.00 %
Corporate Overhead	0.00 %	0.00	0.00	0.00 %	0.00 %
Fees	0.00 %	0.00	0.00	0.00 %	0.00 %
Net Profit	0.00 %	0.00	0.00	0.00 %	0.00 %
Sub Total:			23,067.69	117.24 %	99.10 %
Taxes - Add On - Deduct	0.00 %	0.00	0.00	0.00 %	0.00 %
Bond Cost From Table (Y/N)	Yes		209.49	1.06 %	0.90 %
Total Markup Spread To Items:			3,602.08	18.31 %	15.47 %

Actual Bid:	23,277.18	Balanced Bid:	23,277.18	118.31 %	100 %
Unbalanced Amt:	0.00				
Actual Margin:	3,602.08	Proposed Margin:	3,602.08		

Unit Markup On Total Direct Cost:	0.18
Unit Markup On Total Job Cost:	0.18
Markup On Sales:	0.15
Take Off Quantity Direct Costs:	19,675.10
Take Off Quantity Bid Amount:	23,277.18
Take Off Quantity Margin:	3,602.08
Bid Quantity Margin:	3,602.08
Potential Windfall Profit/Loss:	0.00



2002 N. Lois Ave, Suite 200,
Tampa FL 33607
813-281-2900

Project: Project No 235145, MCWTP Structural Rehabilitation Project – Phase 1

Contractor Submittal No: RFI # 2, received July 14, 2020

Reviewed By: Raj Vaidya, Kevin Francoforte (Structural) and Tom Nichols (Geotechnical)

Date: July 22, 2020

This closes our RFI#2 and ZEP's Change Order #1 subject to final approval from City: Only page 1 and page 2 represent the final approved submittal for course of action, other pages serve to provide project record.

From: Jennifer Fehrs <jfehrrs@cityofnorthport.com>

Sent: Wednesday, July 22, 2020 8:30 AM

To: ZEP Construction, Inc. <zepcon@aol.com>

Cc: Vaidya, Rajendra D. <vaidyard@cdmsmith.com>; Michael Acosta <macosta@cityofnorthport.com>; Chad Nosbisch <cnosbisch@cityofnorthport.com>

Subject: RE: PN 235145: Phase 1 RFI#2 Response -Subgrade under Slab

Jaime,

Although I do feel the OH&P mark-up and total cost is on the high side, we will move forward with processing this change order as submitted in your proposal.

Thanks,

Jenn

Jennifer Fehrs, P.E.

Utilities Engineer

City of North Port

6644 W. Price Boulevard

North Port, FL 34291

Office 941-240-8008

jfehrrs@cityofnorthport.com

www.cityofnorthport.com

A City where you can "Achieve Anything."

From: ZEP Construction, Inc. <zepcon@aol.com>

Sent: Tuesday, July 21, 2020 4:56 PM

To: Jennifer Fehrs <jfehrrs@cityofnorthport.com>

Subject: Re: PN 235145: Phase 1 RFI#2 Response -Subgrade under Slab

Jennifer,

Please let me know as soon as you can if the proposal is good. I realized it'll likely take awhile for the change order to be officially processed, and we're ok in waiting for it, but we would like to proceed at our own risk prior to, so it doesn't hold up the project.

Thanks,

Jamie R. Booth

Project Engineer/Estimator/EEO Officer

ZEP Construction, Inc.

Ph #239-267-8778



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Request for Information (RFI)

Date: 7/20/2020

Project: MCWTP Structural Rehabilitation Project – Phase 1, Flocculation Tank #1 Repairs, RFB #2020-38, City of North Port, Sarasota County

Request To: Jennifer Fehrs, P.E., Utilities Engineer

Reference: Plan Sheet S-4

Subject: RFI No. 002-2 (ZEP)

Background:

Today we received a response from CDM Smith (EOR) on the original RFI #002 that expressed concerns with the subgrade below the slab. The following is in response to CDM's recommendations to the contractor.

Request: ZEP Construction concludes that only option B is reasonable to move forwards and would be in the best interest to all parties (City, Contractor, & EOR) involved. We would perform this unforeseen/additional work as follows:

- 1) Utilize Visqueen over the top of the tank (over the railing) to prevent rain from going directly into the exposed subgrade and directing the rain away from the work area.
- 2) Remove all additional subgrade material to the top of the existing concrete wall footings. (2 days)
- 3) As directed by the City, either dispose the excavated subgrade off-site, or stack it on-site for their future use.
- 4) Perform a minimum of three (3) overlapping passes on the existing subgrade with a plate compactor.
- 5) Place D-2 filter fabric on top of the existing compacted subgrade to prevent disturbance to the subgrade and to prevent mixing of the flowable fill with the subgrade. The filter fabric will be protected from movement during the flowable fill placement. ZEP Construction plans on utilizing stakes, small preliminary placed flowable fill piles on top of the filter fabric so it'll stay in place while during full placement operations, and any other means necessary to keep it from moving.
- 6) Install excavatable flowable fill from the top of the D-2 filter fabric/top of wall footing, to bottom of new concrete slab to be poured. We would place it in three lifts, and we estimate it to take 3 days for uniformity placement, and safety of ZEP employees.
- 7) Place new concrete slab.

I'm waiting on the FDOT excavatable flowable fill mix design from ARGO's, and expect it soon. Once I receive the costs for these additional materials, I will forward on a cost estimate. However, please review this procedure for the extra work and let us know if this will be acceptable.

Submitted By:

Jamie R. Booth, Project Engineer – ZEP Construction, Inc.

CDM Smith

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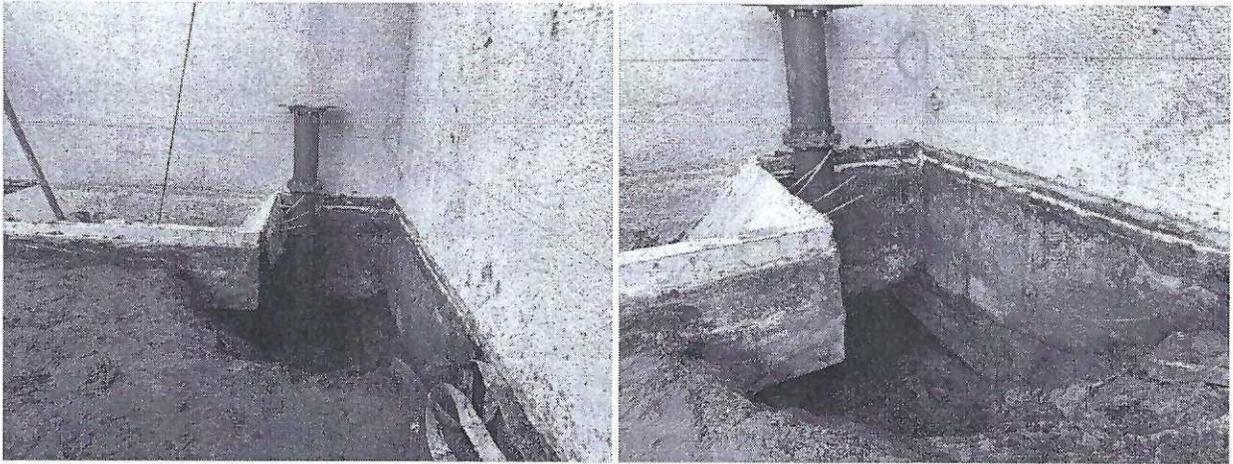
CDM Smith Response to RFI #2 on July 20, 2020:

Background of the condition of subgrade below slab as observed from pictures:

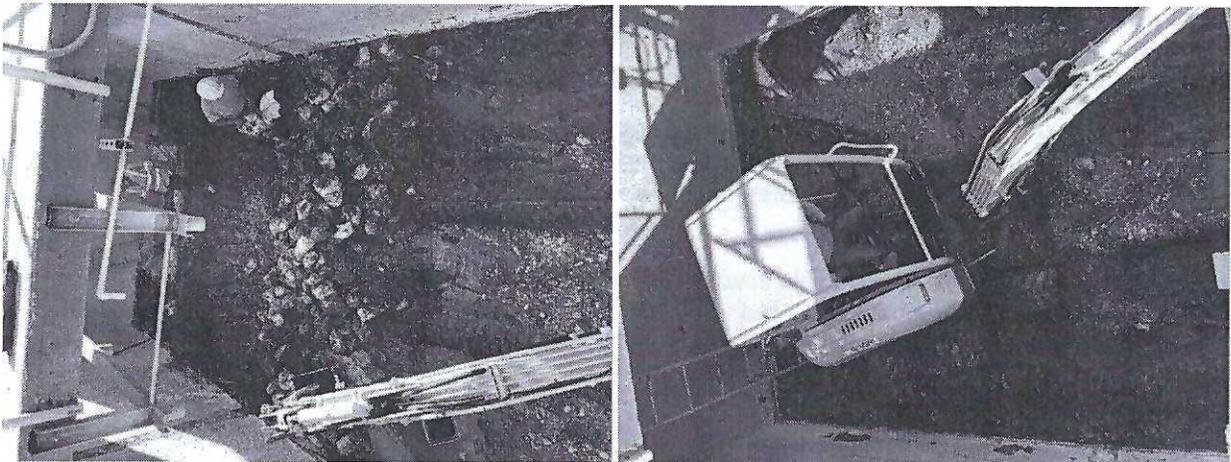
Our recommendations are based upon the likely subgrade condition under the slab of floc tank #1 and is based upon the on-line photos provided by City to us today. The photos are shown below for reference.

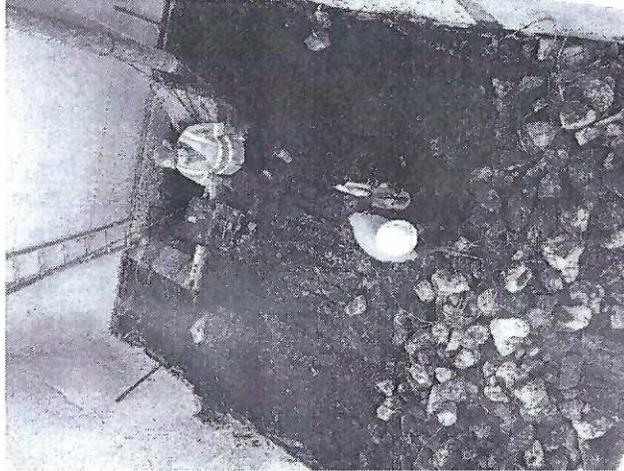
The subgrade appears to be disturbed and unsuitable for re-use. Subgrade conditions under the slab of floc tank #1 are suspected to offer poor support and warrant detailed overlook.

Pictures Provided to CDM Smith on July 20, 2020

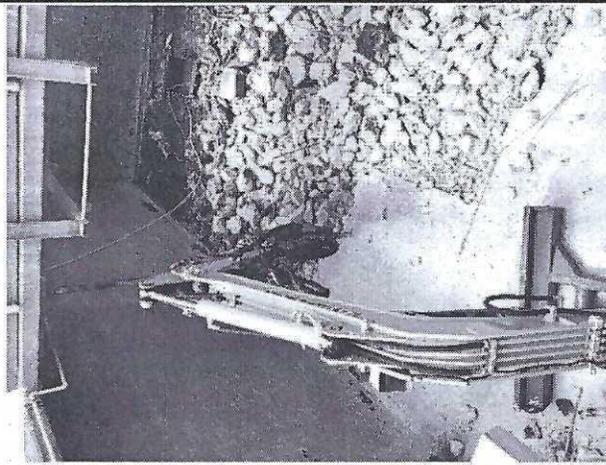
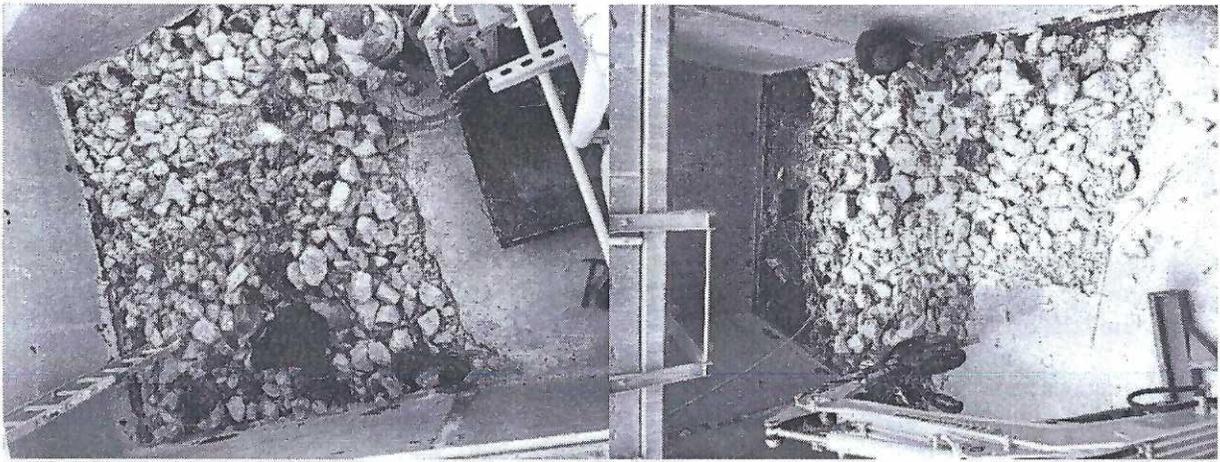


Pictures Provided to CDM Smith on July 17, 2020





Pictures Provided to CDM Smith on July 16, 2020





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Additional Information provided by ZEP on July 20, 2020:

Raj,

I believe your setting up a meeting this morning with the City to discuss this. Figured I'd fill you in on some additional information I found out yesterday from ZEP's Superintendent. When we excavated down for the overflow pipe connection, we found that the top of the footing for the walls was only about 2' to 3' down. We just confirmed that from the top of the concrete slab to the top of the footing for the walls, the depth is 3'-10", which makes the subgrade 2'-10" from the bottom of the slab to top of wall footing. I will forward a pic once received. You mentioned that perhaps a repair for this is to removed and replace about 2' of the material and do densities. However, I'm worried about the time it'll take to get a geotech out to hand auger, get results, submit report, and get approval. We thought perhaps if the subgrade is questionable, what about removing the material from the top of the wall footings and up (2'-10", or whatever depth you recommend) and replace with excavatable, or non-excavatable, flowable fill. This is something that could be done relatively quick and we could perform the work as time and materials costs. If we have to wait, we're looking at delay costs, idle equipment, and etc.

Please let us know ASAP how to proceed.Thanks,

Jamie R. Booth

Recommendations to the Contractor:

CDM Smith recommends replacing the existing soils in the subgrade below the slab. The contractor shall replace approximately 3 (three) feet of subgrade below the slab by completely excavating it and replacing it in accordance with either A) or B) below. Excavated soils and materials shall be disposed off-site and or stacked on-site by the contractor as directed by the City. All other requirements shall be in accordance with the contract agreement (submittals, review and approvals)

- A) Excavate and replace minimum of 3 feet of the soil with structural sand fill compacted to 98% of the Modified Proctor maximum dry density. Our recommendation is based on the limited information made available and hence needs to be confirmed by the Contractor's geotechnical engineer. The Contractor shall hire a geotechnical engineer to provide recommendations for restoring the slab subgrade to a suitable condition for construction of the new slab. Future slab loading is assumed to be similar to that which has occurred over the last 60 years of tank operation. The Contractor's geotechnical engineer shall perform at least 6 hand augers and dynamic cone penetrometers to a depth of 5 feet and provide documentation of the existing condition of the subgrade soils beneath the proposed new slab. Engineering recommendations shall be provided for restoring the condition of the slab subgrade including potential near-surface soil replacement of the disturbed soil, acceptable structural fill, total depth of compaction whether new fill or existing soils and compaction criteria.
- B) Remove the existing subgrade and replace with flowable fill in lieu of the proposed soil investigations listed in A) above. CDM Smith can approve this approach after the contractor performs the following:
 - 1. Excavate fill to the top of the existing concrete footing; no further so as not to potentially undermine the wall footings.



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2. Recommend using a flat excavator bucket to facilitate removal of existing fill without further disturbing the subgrade at the top of the footings.
3. Perform a minimum of three (3) overlapping passes on the existing subgrade with plate compactor.
4. Replace with excavatable flowable fill per FDOT Section 121. The maximum unit weight shall be limited to 100 lb/ft³.

Provide a submittal for our review with the flowable mix design and proposed means and methods for:

- keeping the rainwater out of the tank,
- preventing disturbance to the subgrade during excavation, and
- placing of flowable fill to prevent mixing with the subgrade soil.

Contractor shall respond to our recommendations in writing and include a submittal with details for the option chosen from A) or B) above.

