



Legislation Text

File #: 24-1167, **Version:** 1

Interoffice Memorandum

DATE: August 6, 2024

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Ed Torres, M.S., P.E., LEED AP, Director, Utilities

CONTACT: Troy Layton, P.E., NCEE, Manager, Utilities

PHONE: 407-254-9794

DIVISION: Field Services Division

ACTION REQUESTED:

Approval and execution of Change Order Number 12, Contract Y23-741-R2 Pine Hills Road Pedestrian Safety Improvements-Phase II, with RMS Constructors Group, LLC, in the amount of \$9,849,999.52, for a revised total contract amount of \$ 21,436,439.57. District 6. (Field Services Division)

PROJECT: N/A

PURPOSE: RMS Constructors Group, LLC has submitted a price proposal for additional services under the terms of Contract Y23-741. This project consists of pedestrian safety improvements throughout Pine Hills Road from S.R. 50 (Colonial Drive) to Figwood Lane. The original scope of work includes constructing a raised median along 1.69 miles of Pine Hills Road, upgrading curb ramps and driveways to meet ADA requirements, installation of approximately 3,650 liner feet of steel loop fence Pedestrian Channelization Barrier, upgrading mast arms at two intersections, landscaping, and approximately 8,600 liner feet of asphalt milling and resurfacing of the entire road width of Pine Hills Road. The original project included no Utilities work in the scope.

Change Order No. 12 includes utilities work to construct wastewater improvements to convert 93 parcels currently utilizing private septic tank systems to a centralized public gravity sewer system. The project limits are along Pine Hills Road from north of Colonial Drive to Silver Star Road (SR 438). The proposed scope of work includes approximately 4,000 linear feet of 8-inch gravity sewer main, 22 sanitary sewer manholes, service laterals, cleanouts, and connections at 93 parcels, abandonment of 93 septic systems, and associated restoration of roadway, curbing, sidewalks,

driveways, fences, landscaping, and maintenance of traffic. Proposed Change Order No. 12 proposes to add this work to Contract Y23-741 in the amount of \$9,849,999.52.

Orange County obtained two grants, including \$1,725,814.62 from American Rescue Plan Act (ARPA) and \$4,290,000 from Florida Department of Environmental Protection (FDEP) and was selected for a third grant from St. Johns River Water Management District (SJRWMD) for \$3,167,000. The grants total of \$9,182,814.62 for the above wastewater improvements including engineering design, construction, and capital fees. The ARPA funds will be used entirely to pay for engineering design and capital fees and will not be used to pay for construction. Orange County will contribute \$2,666,428.42 to the project, of which \$273,428.90 will be used to pay engineering design and capital fees and \$2,392,999.52 will be for construction.

The requirements from the first two grants stipulate the project must be constructed and operational prior to December 31, 2026. The County attempted to have a joint project for both the gravity improvements and pedestrian safety improvements under one contract; however, the urgent need for pedestrian safety could not wait for the finalization of the sewer project design. Further, it is not financially feasible or practical to bid a separate sewer retrofit project due to the overlapping scope of work specifically due to the asphalt milling and resurfacing requirements of both projects. If Contract Y23-741 is allowed to be completed without this change order's work, the County would then be impacting over 1.1 miles of newly paved Pine Hills Road roadway to install the gravity sewer and then repaving this area a second time. A cost analysis was performed assessing the proposed change order work and comparing the pricing to current sanitary sewer projects under construction by the County. The proposed prices are comparable with current contracts and in line with fair market values for this higher traffic location. Further, we reviewed the circumstances regarding this Change Order with FDEP as it relates to the grant, and FDEP has agreed that we can seek Board approval and proceed to construction.

Change Orders No.1 through No.3 required the Board's approval and increased the Contract 7.6% from the original contract of \$10,309,067 to \$11,090,450.73 in June 2023. The change orders consisted of additional hours for Law Enforcement Services for safety concerns, new traffic control assembly, and additional pedestrian safety work to be in compliance with the Americans with Disabilities Act.

Change Orders No.4 through No.11 increased the Contract by \$495,989.32 to \$11,586,440.05 or 4.5% and were approved prior to March 21, 2024. They included a deduction for office space, installation of additional signalization for a temporary left lane, removal and replacement of a damaged inlet top, installation of bollards to protect pedestrian crossings, additional work for differing site conditions, relocation of a traffic controller cabinet due to right of way clearances, and additional hours for Law Enforcement Services for safety concerns.

The proposed Change Order No.12 for \$9,849,999.52 increases the Contract value by 93.3% and revises the contract amount to \$21,436,439.57.

BUDGET: N/A

PRICE NEGOTIATION MEMORANDUM

This memorandum must be completed for non-competitive procurements exceeding \$100,000 and for change orders to existing contracts that will require Board approval. The purpose of this form is to create an audit record evidencing that negotiations were conducted with the contractor/consultant/vendor, the extent of such negotiations, and that the overall price offered is fair and reasonable.

I. Subject: Project Y23-741
 Contract Number

Pine Hills Road Pedestrian Safety Improvements-Phase II
 Contract Title

II. Introductory Summary:

Negotiations for the purchase of: Utilities Septic to Sewer Change Order
 Product/Services

Were completed on: 7/19/2024
 Date

With: RMS Constructors Group, LLC
 Contractor/Consultant/Vendor

The County's estimate, the Contractor's/Consultant's/Vendor's offer, and the agreed upon price are compared below. Each figure is based on the contract being firm-fixed-price.

County's Estimate	Contractors/Consultants/ Vendors Offer	Agreed Upon Price
_____	\$10,255,219.52	\$9,849,999.52

III. Particulars:

A. Complete Name and RMS Constructors Group, LLC
 Address of Company 750 Monroe Road, Sanford, FL 32824

B. Lump Sum/Not-to-exceed \$ 21,436,439.57

C. Unit prices, (if applicable) quoted and negotiated. If many, attach as a schedule.

<u>Proposed</u>	<u>Negotiated</u>
_____	_____
_____	_____
_____	_____

D. Name and titles of persons representing the contractor/consultant and the County in the negotiations, identifying the principal negotiators:

<u>Name</u>	<u>Title</u>	<u>Organization</u>
James Montalvo	Chief Utilities	O.C.U.
Jason Warren	Group Director	Burgess & Niple, Inc

IV. Procurement Situation:

A. Describe what was discussed, to include any outside influences and time pressures.

Discussed Contractor's backup, including, labor, materials, and quantities associated with the hardscaping Overhead and profit. The goal is to combine projects so that newly paved roads are not disturbed.

B. Show the delivery schedule or period of performance. If there is a difference between the Schedule desired or required and that proposed by the Contractor/Consultant/Vendor discuss the resolution or compromise, if any.

CO # 12 will construct sanitary sewer to Pine Hills road. 360 days added to the contract.

V. Negotiation Summary:

A. Summarize the Contractors/Consultants/Vendors pricing proposal, the County's negotiation objective and the negotiation results and the reasons the agreed upon price is fair and reasonable.

OCU met with the Contractor to discuss the design intent. This is a complicated area due to traffic and to maintain roadways. This work is on a commercial road requiring more effort than residential.

The contractor's/consultant's/vendor's proposal is considered fair and reasonable and execution of the contract/change order/amendment is recommended.

James Montalvo

Full Name of Negotiator

Signature

19-July-2024

Date

