

CHANGE ORDER APPROVAL FORM

PROJECT: West Nassau Landfill Final Closure CHANGE ORDER NUMBER: 2

DATE: 11/12/12

CONTRACT NUMBER: CM1734

TO CONTRACTOR: COMANCO Environmental Corporation

Reason for Change Order: Settlement of Claims – Tropical Storms Beryl and Debbie

Original Contract Sum.....	\$	<u>4,924,873.89</u>
Net Change by Previous Change Order/Supplemental Agreement.	\$	<u>(8,460.00)</u>
Contract Sum Prior to This Change Order.....	\$	<u>4,916,413.89</u>

Amount of This Change Order (Add/Deduct)..... \$ 107,128.09

New Contract Sum Including this Change Order..... \$ 5,023,541.98

The contract for substantial completion will be (increased) (~~decreased~~) (~~unchanged~~) by 26 working days;
Substantial Completion: February 8, 2013; Final Completion: March 25, 2013

APPROVED BY: [Signature] DATE: 11/12/12
Scott Herring, Public Works Director

APPROVED BY: [Signature] DATE: 12-17-12
Ted Selby, County Manager

APPROVED BY: [Signature] DATE: 12-17-12
David Hallman, County Attorney

APPROVED BY: [Signature] DATE: 12-17-12
Daniel B. Leeper, Chair

ATTEST: [Signature] DATE: 12-20-12
John A. Crawford, Clerk of Courts

MES
12-20-12

SECTION 00 63 63

CHANGE ORDER REQUEST FORM

(Instructions on 00 63 63-2)

No. 2

PROJECT: West Nassau Landfill Final Closure

DATE OF ISSUANCE: November 12, 2012

EFFECTIVE DATE:

NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS

COUNTY Contract / Purchase Order No.: CM1734 (Bid Number NC11-004)

CONTRACTOR: Comanco Environmental Corp. ENGINEER / ARCHITECT: Golder Associates Inc.

You are directed to make the following changes in the Contract Documents.

Description: Change order for Claims for Equitable Adjustments – Tropical Storms Beryl and Debby

Reason for Change Order: Settlement of Claims

Attachments: (List documents supporting change): Letter from Mr. David Hallman dated November 1, 2012 and Letter from Comanco dated November 12, 2012 accepting settlement amount.

<p>CHANGE IN CONTRACT PRICE:</p> <p>Original Contract Price</p> <p>\$ <u>4,924,873.89</u></p>	<p>CHANGE IN CONTRACT TIMES:</p> <p>Original Contract Times</p> <p>Substantial Completion: <u>January 9, 2013</u></p> <p>Ready for Final Payment: <u>February 23, 2013</u> (days or dates)</p>
<p>Net change from previous Change Orders No.1 to No. 1</p> <p>\$ <u>(8,460.00)</u> Deductive</p>	<p>Net change from previous Change Orders No. 1 to No. 1</p> <p><u>0 - None</u> (days)</p>
<p>Contract Price prior to this Change Order</p> <p>\$ <u>4,916,413.89</u></p>	<p>Contract Times Prior to this Change Order</p> <p>Substantial Completion: <u>January 9, 2013</u></p> <p>Ready for Final Payment: <u>February 23, 2013</u> (days or dates)</p>
<p>Net Increase (decrease) of this Change Order</p> <p>\$ <u>107,128.09</u></p>	<p>Net Increase (decrease) of this Change Order</p> <p><u>26 working days (Does not include Sundays)</u> (days)</p>
<p>Contract Price with all approved Change Orders</p> <p>\$ <u>5,023,541.98</u></p>	<p>Contract Times with all approved Change Orders</p> <p>Substantial Completion: <u>February 8, 2013</u></p> <p>Ready for Final Payment: <u>March 25, 2013</u> (days or dates)</p>

RECOMMENDED:

By: [Signature]
Engineer/Architect (Authorized Signature)

Date: Nov. 12, 2012

APPROVED:

By: [Signature]
COUNTY (Authorized Signature)

Date: 12/17/2012

ACCEPTED:

By: [Signature]
Contractor (Authorized Signature)

Date: 11/29/12

CHANGE ORDER

INSTRUCTIONS

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Contract Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating change order items to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed, any effect of a Change Order, thereon, should be addressed.

For supplemental instructions and minor changes not involving a change in the Contract Price or Contract Times, a Field Order may be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer / Architect / Etc. initiates the form, including a description of the changes involved and attachments based upon documents and proposals submitted by Contractor, or requests from the County or both.

Once Engineer / Architect / Etc. has completed and signed the form, all copies should be sent to Contractor for approval. After approval by Contractor, all copies should be sent to the County for approval. Engineer should make distribution of executed copies after approval by the County.

If a change only applies to Contract Price or to Contract Times, cross out the part of the tabulation that does not apply.



NASSAU COUNTY
BOARD OF COUNTY COMMISSIONERS
 96135 Nassau Place, Suite 6
 Yulee, FL 32097

Daniel B. Leeper
 Stephen W. Kelley
 Stacy T. Johnson
 Barry V. Holloway
 Walter J. Boatright

Dist. No. 1 Fernandina Beach
 Dist. No. 2 Amelia Island
 Dist. No. 3 Yulee
 Dist. No. 4 Bryceville/Hilliard
 Dist. No. 5 Callahan

November 1, 2012

JOHN A. CRAWFORD
 Ex-Officio Clerk

Mr. Tracy R. Johnson
 Comanco Environmental Corporation
 4301 Sterling Commerce Drive
 Plant City, FL 33637

DAVID A. HALLMAN
 County Attorney

TED SELBY
 County Manager Inc.
Jacksonville

**RE: RESPONSE TO CLAIMS FOR EQUITABLE ADJUSTMENT
 TROPICAL STORMS BERYL & DEBBY
 WEST NASSAU CLASS I LANDFILL CLOSURE CONSTRUCTION
 CONTRACT NUMBER CM1734 (BID NUMBER NC11-004)**

NOV 11 2012
 RECEIVED

Dear Mr. Johnson:

The County has reviewed your letter dated October 8, 2012 responding to our offer to settle these claims. The Contract includes unit prices for the materials that were used for the repair work. However, there were materials that were not included in the Contract at unit prices that we agree to compensate Comanco for labor and equipment associated with their installation and for repair work in Zone 1.

Please note that Section 12.01.B. states that, "The value of any Work covered by a Change Order or of any Claim for an adjustment in Contract Price will be determined as follows: 1. where the Work involved is covered by unit prices contained in the Contract Documents, by application of such unit prices to the quantities of the items involved. The two tables below detail the assessment of Comanco's costs based on unit prices in the contract.

Tropical Storm Beryl

Zone	Claimed cost	Comments	Date Range	Recommendation
1	\$34,788.96	Includes extra work and repairs to complete work area; Deduct \$4000.00 and \$4,744.00 for Subsistence (extra motel room charges and per diems that should have been spread across the six work zone details)	June 13-21	\$26,044.96
2	\$3,964.64	Pay for materials at contract unit prices (Final cover including Topsoil @\$10.00/CY; Grassing @\$0.18/sf)	June 15-21	\$1,004.50
3	\$15,829.33	Includes \$2,911.96 for coconut matting and hydroseeding; Pay for materials at contract unit prices (Final cover including Topsoil @\$10.00/CY)	June 15-20	\$6,091.96
4	\$5,172.00	Includes \$585.00 for coconut; Pay for materials at contract unit prices (Final cover including Topsoil @\$10.00/CY)	June 18-21	\$1,585.00
5	\$27,392.67	Includes \$234.00 for coconut matting; Pay for materials at contract unit prices (Final cover including Topsoil @\$10.00/CY)	June 15-21	\$13,074.00
6	\$2,352.50	No erosion controls were in place to prevent this damage and no additional materials were used.	June 19-20	\$0.00
7	\$0.00	No repair work done in this area	NA	\$0.00
8	\$0.00	No repair work done in this area	NA	\$0.00
				\$47,800.42

County Attorney's Office (904) 548-4590 or (866) 474-1446

An Affirmative Action / Equal Opportunity Employer

Tropical Storm Debby

Zone	Claimed cost	Comments	Date Range	Recommendation
1	\$5,266.62	Includes extra work and repairs to complete work area	July 7-24	\$5,266.62
2	\$0.00	No repair work done in this area	NA	\$0.00
3	\$7,957.79	Pay for materials at contract unit prices (Final cover including Topsoil @\$10.00/CY; Grassing @\$0.18/sf)	July 16-24	\$2,832.30
4	\$0.00	No repair work done in this area	NA	\$0.00
5	\$86,062.74	Pay for materials at contract unit prices (Final cover including Topsoil @\$10.00/CY; Grassing @\$0.18/sf)	June 27 – July 16	\$27,924.95
6	\$37,639.60	Pay for materials at contract unit prices (Final cover including Topsoil @\$10.00/CY; Grassing @\$0.18/sf)	June 27 – July 9	\$21,940.00
7	\$18,607.25	No erosion controls were in place to prevent this damage and no additional materials were used.	June 28 – July 23	\$0.00
8	\$8,464.17	Pay for materials at contract unit prices (Final cover including Topsoil @\$10.00/CY; Grassing @\$0.18/sf)	July 2 – 16	\$4,196.10
				\$59,327.67

The County offers to settle both Tropical Storm claims for **\$107,128.09** and for 26 working days extension, if needed. We feel that this is a fair offer considering that an earthworks contractor working in Florida during Tropical Storm season should understand the risks and associated control measures for erosion.

Your acceptance of this offer will be conditioned upon securing a release from Comanco, which will be prepared by this office.

Respectfully,



David A. Hallman
Nassau County Attorney

- cc: Mr. J. Scott Herring, P.E., Nassau County Public Works Director
Ms. Becky Hiers, P.E., Nassau County Engineering Services
Ms. Charlotte Young, Nassau County Contracts Administrator
Mr. Kevin Brown, P.E., Golder
Mr. Chip Carwell, Golder



ERC

November 12th, 2012

Mr. Chip Carwell
Golder Associates
9428 Baymeadows Road, Suite 400
Jacksonville, FL 32256

RE: WEST NASSAU LANDFILL CLOSURE I – Claims for Equitable Adjustment Tropical Storms Beryl & Debby

Mr. Carwell,

COMANCO received a response letter (dated November 1st, 2012) from Nassau County and has agreed to accept the offer provided in it.

Sincerely,


C.R. Johnson
Chairman and CEO
COMANCO Environmental Corporation