

# MEMORANDUM



**Date:** May 6, 2008  
**To:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

Agenda Item No.  
8 (R) 3a

**From:** George M. Burgess  
County Manager 

**Subject:** Change Order for Removal of Calcium Carbonate Residuals from the Miami Springs Lagoon - Project No: W-813; Contract No: W-813, to Stone Paving Company

## Recommendation

The attached Change Order No: 1 on a contract between Stone Paving Company and Miami-Dade County has been prepared by the Miami-Dade Water and Sewer Department and is recommended for approval.

**CHANGE ORDER NUMBER:** 1

## Scope

**PROJECT NAME:** Removal of Calcium Carbonate Residuals from the Miami Springs Lagoon  
**PROJECT NO:** W-813  
**CONTRACT NO:** W-813

**PROJECT DESCRIPTION:** The project consists of furnishing all labor, materials and equipment necessary to remove calcium carbonate residuals, and to excavate, transport and legally dispose of these residuals from the Miami Springs Lagoon. This lagoon, which is located in Shadow Way and Dove Avenue, in the City of Miami Springs, Miami-Dade County, Florida is only used for emergency disposal of the calcium carbonate residuals. This project is necessary to have capacity on an emergency basis to dispose of the residuals that are produced in the Hialeah/Preston Water Treatment Plants.

The work includes, but is not limited to, clearing, grubbing and legal disposal of resulting material from the east portion of the lagoon; loading, hauling and legally disposing of calcium carbonate residuals in trucks with leak-proof bodies and covers; furnishing and installing all necessary equipment and materials to construct a dike by excavating existing calcium carbonate residuals to form and shape the sides of the dike to the slopes and elevations shown on the Plans; breaching the existing dike and reconstructing it upon completion of work; constructing fence and gates; constructing and later removing access road with truck wash station, booster pump and piping; electrical work; mechanical work; survey work; furnishing and installing limerock fill as required; restoring any areas affected

by the work; traffic control; and all other miscellaneous and appurtenant items and work for a complete and satisfactory project. This project is located in Section 18, Township 53, Range 41.

It is the intent of the Department to obtain a complete functional, and satisfactory installation under this project, and any items of labor, equipment or materials which may be reasonably assumed as necessary to accomplish this end shall be supplied whether or not they are specifically shown on the Plans or stated in the specifications. The Contractor shall provide all sheeting, shoring, bracing and all other labor, material or equipment required to preclude damage to, or loss of functionality of, any existing facility or system.

**PROJECT LOCATION:** Shadow Way and Dove Avenue, in the City of Miami Springs, Miami-Dade County, Florida

**PRIMARY COMMISSION DISTRICT:** District 6            Rebeca Sosa

**APPROVAL PATH:** Board of County Commissioners

**USING DEPARTMENT:** Miami-Dade Water and Sewer Department

**MANAGING DEPARTMENT:** Miami-Dade Water and Sewer Department

**Fiscal Impact / Funding Source**

**CHANGE ORDER FUNDING SOURCE:** Operating Revenue

**PTP FUNDING:** No

**GOB FUNDING:** No

**CHANGE ORDER DESCRIPTION:** Increase the contract amount by \$174,155.99.

**MONETARY JUSTIFICATION:** Introduction

The contract term for Contract W-813 was 585 days with an anticipated completion date of March 24, 2007. The Contractor was to clear, grub, and legally dispose up to 120,000 cubic yards of calcium carbonate residuals from the east portion of the Miami Springs Lagoon.

1) Removal of Additional Calcium Carbonate Residuals

During the course of the project, MDWASD personnel estimated that the Contractor had removed the Contract's allotted quantity of calcium carbonate residuals from the Miami Springs Lagoon. As such, MDWASD instructed the Contractor to stop the disposal process. The final survey performed revealed that the Contractor had over-excavated and hauled

away 7,928 cubic yards of calcium carbonate residuals in excess of the allotted quantity in the Contract, specifically, in Bid Item No. 12 of the Contract. This resulted in being a benefit to the County as the removal of the additional calcium carbonate residuals provided needed storage capacity in the Miami Springs Lagoon.

The Contractor submitted a claim to MDWASD to be paid for having disposed of additional calcium carbonate residuals from the Miami Springs Lagoon. A negotiated agreement was reached between MDWASD and the Contractor to pay a total amount of \$154,041.04, of which, \$72,849.35 was paid from the Contract's Contingency Account. The remaining \$81,191.69 will be paid through this Change Order.

2) Additional Limerock for Rebuilding Dike

Prior to the start of the contract, MDWASD assumed that the interior slope of the Lagoon's dike was composed of 90% compacted limerock and 10% calcium carbonate. However, after work commenced, it was discovered that the breached area of the dike was made-up of 100% calcium carbonate. According to terms of Contract W-813, the Contractor could only use limerock to rebuild the dike, therefore, MDWASD instructed the Contractor to rebuild the breached area of the dike by purchasing limerock from external sources. MDWASD negotiated with the Contractor and agreed to a price of \$92,964.30 for the purchase of 4,334 cubic yards of compacted limerock.

TIME JUSTIFICATION: N/A

	<u>Original Contract Values</u>	<u>Previous Adjustments To Values</u>	<u>This Change Order Values</u>	<u>Current Totals</u>	<u>Total Paid</u>	<u>Balance After Change Order</u>
<b>BASE:</b>	\$3,828,096.00	\$0.00	\$174,155.99	\$4,002,251.99	\$3,262,432.50	\$739,819.49
<b>CONTINGENCY:</b>	\$191,404.80	\$0.00	\$0.00	\$191,404.80	\$118,555.45	\$72,849.35
<b>DEDICATED:</b>	<u>\$114,842.88</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$114,842.88</u>	<u>\$52.40</u>	<u>\$114,790.48</u>
<b>TOTALS:</b>	\$4,134,343.68	\$0.00	\$174,155.99	\$4,308,499.67	\$3,381,040.35	\$927,459.32

	<u>Original Contract Duration</u>	<u>Previous Adjustments To Duration</u>	<u>This Change Order Duration</u>	<u>Current Totals</u>
<b>BASE DURATION:</b>	545	0	0	545
<b>CONTINGENCY:</b>	<u>54</u>	<u>0</u>	<u>0</u>	<u>54</u>
<b>TOTAL DURATION:</b>	599	0	0	599

**INITIATING FACTOR(S) FOR CHANGE ORDER**

<u>Reason</u>	<u>Cost</u>	<u>Duration</u>
Other	\$174,155.99	0
Total:	\$174,155.99	

**Track Record / Monitor**

**PERFORMANCE RECORD:** The CIIS database lists four (4) contract evaluations with an average rating of 3.4 points out of a maximum average score of 4.0.

**PRIME CONTRACTOR:** Stone Paving Company

**COMPANY PRINCIPAL:** Thomas S. Gerspacher

**COMPANY QUALIFIERS:** Thomas S. Gerspacher

**COMPANY EMAIL ADDRESS:** path@stonecompanies.com

**COMPANY STREET ADDRESS:** 18701 SW 108 Avenue

**COMPANY CITY-STATE-ZIP:** Miami, FL 33157

**YEARS IN BUSINESS AT TIME OF AWARD:** 38

**PREVIOUS EXPERIENCE WITH COUNTY IN THE LAST FIVE YEARS AT TIME OF AWARD:** 5 contracts in the amount of \$17,000,000.

**SUBCONTRACTORS AND SUPPLIERS (SECTION 10-34 MIAMI DADE COUNTY CODE):** KT Construction Services, South Florida Equipment, Overland Trucking, Tupler Trucking

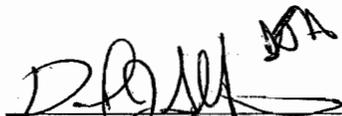
**CONTRACT MANAGER NAME/PHONE/EMAIL:** Mario Garcia                      305-460-7111                      GARCM@miamidade.gov

**PROJECT MANAGER NAME/PHONE/EMAIL:** Mario Garcia                      305-460-7111                      GARCM@miamidade.gov

**BACKGROUND:**

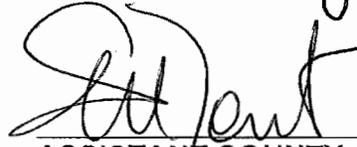
The Project was designed for the excavation, transportation, and disposal of an estimated 100,000 cubic yards of calcium carbonate residuals deposited from the Hialeah Water Treatment Plant.

---

BUDGET APPROVAL  
FUNDS AVAILABLE:  1-25-08  
OSBM DIRECTOR DATE

APPROVED AS TO  
LEGAL SUFFICIENCY:  2-4-08  
COUNTY ATTORNEY DATE

CAPITAL  
IMPROVEMENTS  
CONCURRENCE:  3/11/08  
OCI DIRECTOR DATE

 3/21  
ASSISTANT COUNTY  
MANAGER DATE

**PLEASE SIGN  
& DATE**

CLERK DATE \_\_\_\_\_  
DATE

REMOVAL OF CALCIUM CARBONATE RESIDUALS FROM THE MIAMI SPRINGS LAGOON  
CONTRACT NO. W-813

ESTIMATE: \$3,728,000

BID DATE: March 22, 2005

TABULATION OF BIDS

Stone Paving Company R.L. Saum Construction Co.  
18701 S.W. 108 Avenue 12905 S.W. 132 St., Unit 6, Bldg. 8  
Miami, FL 33157 Miami, FL 33186

Item No.	Description	Quant.	Unit	Total	Unit	Total
1.	Grubbing & cleaning work, including removal & disposal of waste material	Aggr. Sum		\$ 94,400.00	\$	321,900.00
2.	Constructing 18-inch thick limerock base for the access road	480 Sq. Yds.	27.50	13,200.00	14.50	6,960.00
3.	Constructing 2-inch thick asphaltic concrete surface course for the access road	480 Sq. Yds.	13.70	6,576.00	20.80	9,984.00
4.	Performing cut & fill work on the top of the dike, if ordered by the Engineer	6,000 Cubic Yds. (Cont. Item)	47.27	283,620.00	3.00	18,000.00
5.	Breaching the existing dike for the access road & reconstructing dike upon completion of work	Aggr. Sum		107,300.00		20,000.00
6.	Constructing & removing truck wash facility including furnishing, installing & removing 5 HP booster pump, electrical materials, associated piping, hose bibb & fencing	Aggr. Sum		127,300.00		30,000.00
7.	Furnishing & installing tapping sleeves, valves pipe & fittings from raw & potable water mains to booster pump station	Aggr. Sum		10,900.00		10,000.00
8.	Street cleaning & haul route maintenance for the duration of the Project	Aggr. Sum		341,200.00		511,000.00
9.	Providing off-duty police officers from the City of Miami Springs, for traffic control	Aggr. Sum (Cont. Item)		200,000.00		200,000.00
10.	Providing a guard for gate & site security from the firm utilized by the Department during all times when the Contractor is accessing the Project site	Aggr. Sum (Cont. Item)		100,000.00		100,000.00
11.	Loading hauling & legally disposing of calcium carbonate	100,000 Cubic Yds.	20.65	2,065,000.00	24.00	2,400,000.00
12.	Loading hauling & legally disposing of additional calcium carbonate in excess of that in Bid Item 11	20,000 Cubic Yds. (Cont. Item)	19.43	388,600.00	24.00	480,000.00

6

MIAMI DADE WATER & SEWER DEPARTMENT  
MIAMI DADE COUNTY

REMOVAL OF CALCIUM CARBONATE RESIDUALS FROM THE MIAMI SPRINGS LAGOON  
CONTRACT NO. W-813

ESTIMATE: \$3,728,000

BID DATE: March 22, 2005

TABULATION OF BIDS  
BIDDERS

Stone Paving Company  
18701 S.W. 108 Avenue  
Miami, FL 33157

R.L. Saum Construction Co.  
12905 S.W. 132 St., Unit 6, Bldg. 8  
Miami, FL 33186

Item No.	Description	Quant.	Unit	Total	Unit	Total
13.	Providing traffic control	Aggr.	\$	90,000.00	\$	150,000.00
		Sum				
14.	The sum of bid items 1 through 13	Subtotal	\$	3,828,096.00	\$	4,257,844.00
15.	All cost of required permits, fees, impact fees, inspections, if ordered by the Engineer, the sum of 3% of the Subtotal, Item 14, (.03)X(Subtotal, Item 14)	Approved Permit Fee Reimbursement		114,842.88		127,735.32
16.	Unforeseen conditions, for construction changes & for quantity adjustments, if ordered by the Engineer, the sum of 5% of the Subtotal Item 14, (.05)X(Subtotal, Item 14)	Allowance Account		191,404.80		212,892.20
TOTAL BID (The Sum of Items 14, 15 and 16)				\$ 4,134,343.68	\$	4,598,471.52

7



Dept. of Business Development  
Project Worksheet

Project/Contract Title: REMOVAL OF CALCIUM CARBONATE RESIDUALS FROM THE MIAMI SPRINGS LAGOON (FORMERLY MIAMI SPRINGS SLUDGE LAGOON PARTITION DIKE) (SIC 16) RC Date: 02/02/2005  
Item No: 3-06

Project/Contract No: W-813 Funding Source: WATER-REVENUE BONDS Re-submittal Date(s): 01/22/2003  
10/01/2003  
07/28/2004

Department: WATER AND SEWER

Estimated Cost of Project/Bid: \$3,900,000.00 SERIES 95

Description of Project/Bid: TO ESTABLISH A CONTRACT FOR FURNISHING ALL LABOR, MATERIAL AND EQUIPMENT NECESSARY TO CONSTRUCT A PARTITION DIKE WITH CALCIUM CARBONATE SLUDGE, AND TO LEGALLY DISPOSE OF THE REMAINING CALCIUM CARBONATE SLUDGE AT THE MIAMI SPRINGS SLUDGE LAGOON ON BRADLOW WAY AND DOVE AVENUE IN MIAMI SPRINGS, MIAMI-DADE COUNTY, FLORIDA.

Measure	Program	Goal Percent
Goal	CSBE	4.23%

An analysis of the factors contained in Section IV C of Administrative Order 3-22 indicates a goal on this project is appropriate for the construction of the truck wash station and clearing and grubbing (4%).

CWF Not Applicable: Not in DTA

Subtrade	Cat.	Estimated Value	% of Items to Base Bid	Availability
Commercial and Institutional Building Construction	CSBE	\$164,970.00	4.23%	133
<b>Total</b>		<b>\$164,970.00</b>	<b>4.23%</b>	<b>133</b>

Living Wages: YES  NO  Highway: YES  NO  Heavy Construction: YES  NO   
 Responsible Wages: YES  NO  Building: YES  NO

Ordinance 90-143 is applicable to all construction projects over \$100,000 that do not utilize Federal Funds

Tier 1 Set Aside \_\_\_\_\_

Set Aside \_\_\_\_\_ Level 1 \_\_\_\_\_ Level 2 \_\_\_\_\_ Level 3 \_\_\_\_\_

Trade Set Aside (MCC) \_\_\_\_\_ Goal 4% Bid Preference \_\_\_\_\_

No Measure \_\_\_\_\_ Deferred \_\_\_\_\_ Selection Factor \_\_\_\_\_

\_\_\_\_\_  
Chairperson, Review Committee Date 2/2/05

\_\_\_\_\_  
County Manager Date 2/3/05



**MIAMI DADE COUNTY**  
**Firm History Report**  
*(excluding A&E)*

From: 02/01/2003 To: 02/01/2008

**FIRM NAME: STONE PAVING COMPANY**  
 18701 SW 108th Ave  
 Miami, FL 33157

**PRIMES**

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT	PAID TO PRIME AS OF	REQ TO DATE	DATE REPORTED	SUBCONTRACTORS
* 630024	1	DE	GOAL CSBE 12%	04/03/2003	\$5,400,000	\$5,115,207	\$5,220,170	01/03/2005	* K T CONSTRUCTION SERVICES - \$810,000.00
ROADWAY RECONSTRUCTION, DRAINAGE, AND RESURFACING CONTRACT #4 (SIC 16)									
Change Order #	1				\$500,000				
					\$5,900,000				
* S-718-2 ER-47322	1	WS	GOAL CSBE 8%	12/20/2003	\$337,512	\$304,262	\$347,523	02/08/2005	* K T CONSTRUCTION SERVICES - \$27,000.96
INSTALLATION OF 20" FORCE MAIN IN NW 23 AVE FROM NW 3 ST TO NW 6 ST									
S-718-2 J.O. 7486 & 7487	1	WS	NO MEASURE	03/11/2005	\$1,357,171				
HOMESTEAD AIR FORCE BASE WATER & WASTEWATER IMPROVEMENTS									
9					\$1,357,171				
* CREP1	1	DE	GOAL CSBE 14%	05/04/2005	\$5,000,000	\$0	\$1,390,248	05/24/2006	* K T CONSTRUCTION SERVICES - \$700,000.00 * THE BREWER COMPANY OF FLORIDA INC - \$0.00
CANAL CULVERT REPAIR AND/OR REPLACEMENT CONTRACT (SIC 16)									
					\$5,000,000				
W-813	1	WS	GOAL CSBE 4.23%	07/07/2005	\$4,134,344	\$3,098,172	\$3,466,190	10/30/2007	* FENCE MASTERS INC - \$0.00 * K T CONSTRUCTION SERVICES - \$165,373.75 * PROTECTION SERVICES, INC. - \$0.00
REMOVAL OF CALCIUM CARBONATE RESIDUALS FROM THE MIAMI SPRINGS LAGOON (FORMERLY MIAMI SPRINGS SLUDGE LAGOON PARTITION DIKE) (SIC 16)									
Change Order #	1				\$174,156				
					\$4,308,500				

\* Indicates closed or expired contracts

Change Orders without dates are pending BCC approval



**MIAMI DADE COUNTY**  
**Firm History Report**  
*(excluding A&E)*

From: 02/01/2003 To: 02/01/2008

PRIMES

**FIRM NAME: STONE PAVING COMPANY**  
 18701 SW 108th Ave  
 Miami, FL 33157

PROJECT #	CONTRACT	DEPT.	MEASURES	AWARD DATE	AWARD AMOUNT	PAID TO PRIME AS OF	REQ TO DATE REPORTED	DATE REPORTED	SUBCONTRACTORS
EK2090	1	SW	NO MEASURE	09/29/2005	\$500,000				
EMERGENCY DEBRIS REMOVAL CONTRACTS VALUED IN EXCESS OF \$100,000.00									
					\$500,000				
					Total Award Amount				\$16,729,027
					Total Change Orders Approved by BCC				\$500,000
					Total Change Orders Approved After Requested Date Range				\$17,229,027
					Total Change Orders Pending				\$0
					Total Change Orders Pending				\$674,156
					Total Change Orders Pending				\$17,903,183

10

\* Indicates closed or expired contracts

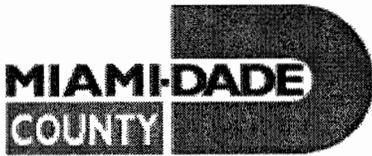
Find Contracts With Search String ==>

Status View

Exit

Projects

Goto Bottom



# MIAMI-DADE COUNTY, FLORIDA

## Capital Improvements Information System

All Contracts for FEIN 591159736

### Stone Paving Company

<u>DST</u>	<u>DPT</u>	<u>Contract</u>	<u>Name</u>	<u>Location / Contractor</u>	<u>Estimated Completion Date</u>	<u>Total</u>	<u>Last Status Award Date</u>	<u>% Complete / Status *</u>
0	DE	629012	Multiple Award Indefinite Quan	Stone Paving Company	6/16/2005	\$7,545,455	6/21/2005	100% / Complete
30	DE	630024	Roadway Reconstruction, Drains	Stone Paving Company	7/6/2005	\$5,400,000	7/13/2005	100% / Complete
30	DE	CREP1	Canal Culvert Repair and/or Re	Stone Paving Company	7/7/2006	\$4,504,505	4/4/2007	100% / Complete
29	WS	S-718 ER 74070	Installation or Repairs of For	Stone Paving Company	4/19/2003	\$375,727		0% / N/A
6	WS	W-813	Removal of Calcium Carbonate R	Stone Paving Company	3/25/2007	\$4,002,252	5/14/2007	100% / Work Complete: Pending Change
Totals:					5	\$21,827,939		

\* Yellow Status=Inactive Contract

Status View

Exit

Projects

Goto Top

Exit



# Capital Improvements Information System

## Contractor Evaluations Report

<u>Dept</u>	<u>Contract</u>	<u>Type</u>	<u>Contractor / Architect Name</u>	<u>Date</u>	<u>Rater</u>	<u>Period</u>	<u>Rate</u>
DE	630024	CON	Stone Paving Company	12/5/2005	Susel Ferrer	Project conclusion or closeout	3.7
DE	629012	CON	Stone Paving Company	12/12/2005	Susel Ferrer	Project conclusion or closeout	3.5
DE	CREP1	CON	Stone Paving Company	9/11/2007	Keith Ng	Project conclusion or closeout	3.0
WS	W-813	CON	Stone Paving Company	10/4/2007	Mario Garcia	Project conclusion or closeout	3.4

Evaluation Count: 4 Contractors: 1 Average Evaluation: 3.4

Exit

# MIAMI-DADE COUNTY, FLORIDA

## MIAMI-DADE WATER AND SEWER DEPARTMENT

### CHANGE ORDER TO ORIGINAL CONTRACT



CHANGE ORDER NO: 1 CONTRACT NO: W-813 DATE: 12/20/2007  
 PROJECT TITLE: Removal of Calcium Carbonate Residuals from the Miami Springs Lagoon  
 TO CONTRACTOR: Stone Paving Company 18701 SW 108 Avenue Miami, FL 33157

YOU ARE HEREBY REQUESTED TO MAKE THE FOLLOWING CHANGES IN THE PLANS AND SPECIFICATIONS FOR THIS PROJECT AND TO PERFORM THE WORK ACCORDINGLY, SUBJECT TO ALL CONTRACT STIPULATIONS AND COVENANTS.

**Description of work authorized:** Increase the contract amount by \$174,155.99.

**Monetary Justification:** Introduction

The contract term for Contract W-813 was 585 days with an anticipated completion date of March 24, 2007. The Contractor was to clear, grub, and legally dispose up to 120,000 cubic yards of calcium carbonate residuals from the east portion of the Miami Springs Lagoon.

1) Removal of Additional Calcium Carbonate Residuals

During the course of the project, MDWASD personnel estimated that the Contractor had removed the Contract's allotted quantity of calcium carbonate residuals from the Miami Springs Lagoon. (Continued below)

**Time Justification:** N/A

This change order includes not only all direct costs of contractor such as labor, material, job overhead, and profit markup; but also includes any costs for modifications or changes in sequence of work to be performed, delays, rescheduling, disruption, extended direct overhead or general overhead, acceleration, material or other escalation which include wages and other impact costs.

Contractor hereby waives, fully releases, discharges and acquits Miami-Dade County of any and all liability for claims, additional costs, and any requests for additional time arising out of the fulfillment of the contract and this change order from the date of the contract award to and including execution of this change order.

**SUMMARY OF CONTRACT AMOUNT / TIME**

ORIGINAL CONTRACT AMOUNT-----		\$4,134,343.68
COST OF CHANGES PREVIOUSLY ORDERED-----	NOR 22 \$0.00	<del>-\$174,155.99</del>
ADJUSTED CONTRACT AMOUNT PRIOR TO THIS CHANGE-----	NOR 22 \$4,134,343.68	<del>\$4,308,499.67</del>
COST OF CHANGES WITH THIS DOCUMENT-----		\$174,155.99
ADJUSTED CONTRACT AMOUNT INCLUDING THIS CHANGE-----	NOR 22 \$4,308,499.67	<del>\$4,482,655.66</del>
PERCENT INCREASE WITH THIS CHANGE-----		4%
TOTAL PERCENT INCREASE TO DATE-----	NOR 22 4%	<del>8%</del>
TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----		545 / 0 / 0
CONTINGENCY TIME: ORIGINAL CONTRACT / PREVIOUS CHANGES / THIS CHANGE-----		54 / 0 / 0
ADJUSTED DURATION INCLUDING THIS CHANGE-----		599

CERTIFYING STATEMENT: I hereby certify that the changes and supporting cost data included is, in my considered opinion, necessary and accurate; that the prices quoted are fair and reasonable and in proper ratio to the cost of the original work contracted for under benefit of competitive bidding.

Approved: ENGINEER OR CONSULTING ENGINEER Not Applicable Date: \_\_\_\_\_

Recommended By: PROJECT MANAGER [Signature] Date: 1-14-08

**TO BE FILLED OUT BY MIAMI-DADE WATER AND SEWER DEPARTMENT**

FUNDS BUDGET CODE J0-9157

CERTIFIED BY DEPARTMENT'S FINANCE DIVISION: [Signature] Date: 1/15/08

Accepted By: Stone Paving Company Thomas L. Espartero Contractor 1/15/08

Accepted By: Surety H. Gay Lewis Surety 1/10/08  
Fidelity and Deposit Company of Maryland

Reviewed By: Manager, Construction Division

Approved By: Assistant Director

Approved By: Director

Approved By: Director, DBD

Approved By: Director, OSBM

Approved By: County Attorney

Approved By: County Manager

Attested By: Clerk of the Board

Handwritten signatures and initials on a series of horizontal lines, including a large signature at the top and several smaller ones below.

1/15/08  
 1/15/08  
 1-23-08  
 2-1-08  
 1-25-08  
 2-4-08

**Monetary Justification: (Continued)**

. As such, MDWASD instructed the Contractor to stop the disposal process. The final survey performed revealed that the Contractor had over-excavated and hauled away 7,928 cubic yards of calcium carbonate residuals in excess of the allotted quantity in the Contract, specifically, in Bid Item No. 12 of the Contract. This resulted in being a benefit to the County as the removal of the additional calcium carbonate residuals provided needed storage capacity in the Miami Springs Lagoon.

The Contractor submitted a claim to MDWASD to be paid for having disposed of additional calcium carbonate residuals from the Miami Springs Lagoon. A negotiated agreement was reached between MDWASD and the Contractor to pay a total amount of \$154,041.04, of which, \$72,849.35 was paid from the Contract's Contingency Account. The remaining \$81,191.69 will be paid through this Change Order.

2) Additional Limerock for Rebuilding Dike

Prior to the start of the contract, MDWASD assumed that the interior slope of the Lagoon's dike was composed of 90% compacted limerock and 10% calcium carbonate. However, after work commenced, it was discovered that the breached area of the dike was made-up of 100% calcium carbonate. According to terms of Contract W-813, the Contractor could only use limerock to rebuild the dike, therefore, MDWASD instructed the Contractor to rebuild the breached area of the dike by purchasing limerock from external sources. MDWASD negotiated with the Contractor and agreed to a price of \$92,964.30 for the purchase of 4,334 cubic yards of compacted limerock.

**Time Justification Declaration:**

A time extension is provided for additional work performed outside the scope of the original Contract that affects the critical path schedule of the contracted work or previously approved changes. Should additional work be required which does not affect the critical path schedule, no time extension will be granted. Should one item of additional work run concurrent with another item of additional work, only time not duplicated can be provided.

**Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **H. Clay RIVES, of Miami, Florida**, its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed, **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of H. Clay RIVES, Michael E. MATHEWS, dated October 23, 2000.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 4th day of October, A.D. 2004.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gregory E. Murray*

*Theodore G. Martinez*

By: *Gregory E. Murray* Assistant Secretary      *Theodore G. Martinez*

State of Maryland }  
City of Baltimore } ss:

On this 4th day of October, A.D. 2004, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came THEODORE G. MARTINEZ, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Dennis R. Hayden*

*Dennis R. Hayden* Notary Public  
My Commission Expires: February 1, 2005