

Business Operations
J.E. Surash, P.E., Chief Business Officer

**SUBJECT: CHANGE ORDER NO. 9
 PROJECT NO. A0358
 NEW ELEMENTARY SCHOOL
 DR. CARLOS J. FINLAY ELEMENTARY SCHOOL
 851 SW 117 Avenue, Miami, Florida**

COMMITTEE: FACILITIES MANAGEMENT

This request for change in the construction contract includes one item for the School Board's confirmation. Attachment A presents a description of the item, the cause for the change, the effect upon the contract, and the action recommended to the Board. This item is presented to the Board for confirmation as required by State Statute.

Change Items Synopsis: Credit for incomplete work.

This change order will decrease the contract price by \$189,397. The Contractor was non-performing, and this work was subsequently performed by another Contractor. This item has been recommended by the Project Architect and was confirmed by the Technical Review Committee on February 25, 2004. It was found to be necessary, fair, and equitable.

In February of 2002 the Contractor, Engineer Control Systems Corporation, filed suit against the Miami-Dade County School Board for Breach of Contract and *Quantum Meruit*. The Board through outside counsel responded with appropriate defenses and counterclaims for incomplete and deficient work, liquidated damages, and additional costs incurred by design professionals. Court Ordered Mediation was held in August of 2003. Currently trial is scheduled for the week of April 12, 2004 and final trial preparation is in process. This change order is to conclude certain long-standing project related issues which are not affected by the litigation.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, confirm Change Order No. 9 on Project No. A0358, New Elementary School, Dr. Carlos J. Finlay Elementary School for a credit of \$189,397.

ATTACHMENT A

5061 Dr. Carlos J. Finlay Elementary
 SUMMARY OF CHANGE ORDER NO.: 9
 Project No.: A0358 New Elementary School

ITEM	ACTION REQ	ORIG.	STAFF AUTH.	ARG APPVD.	TYPE	CAUSE	DOLLARS		DAYS	
							REQ.	AUTH. REC.	REQ.	AUTH. REC.
1	C	P	06/11/2001	02/18/2004	OT	CD	0.00	(189,397.00)	0	0

This credit is for incomplete punchlist work. This work was subsequently completed by another Contractor at this cost.

CHANGE ORDER TOTAL: -189,397.00 0

SUMMARY OF CHANGE ORDER NO.: 9

Facility: 5061 Dr. Carlos J. Finlay Elementary
 Project No.: A0358
 Description: NEW ELEMENTARY SCHOOL
 Architect: HARPER PARTNERS, INC.
 EFCO: SPILLIS CANDELA & PARTNERS INC.
 Contractor: ENGINEER CONTROL SYSTEMS CORP. PRIME: FRANK ZAYAS

CONTRACT STATUS

ORIGINAL CONTRACT PRICE.....\$	7,887,000.00
PREVIOUS EXTRAS.....\$	605,016.00
PREVIOUS CREDITS.....\$	33,985.00
PREVIOUS APPROVED NET CHANGE.....\$	571,031.00
PREVIOUS APPROVED CONTRACT PRICE.....\$	8,458,031.00
THIS CHANGE.....\$	-189,397.00
TOTAL NET CHANGE.....\$	381,634.00
ADJUSTED CONTRACT PRICE AFTER THIS CHANGE.....\$	8,268,634.00
CONTRACT AWARD DATE.....	February 10, 1999
ORIGINAL CONTRACT COMPLETION DATE.....	April 11, 2000
PREVIOUS TIME EXTENSION.....	181
PREVIOUS ADJUSTED COMPLETION DATE.....	October 09, 2000
TIME EXTENSION THIS CHANGE.....	0
ADJUSTED COMPLETION DATE AFTER THIS CHANGE.....	October 09, 2000
PROJECTED COMPLETION DATE.....	N/A
SUBSTANTIAL COMPLETION DATE.....	November 13, 2000

CHANGE CAUSE SUMMARY:

(Totals Including This Change Order. .F.

TYPE	AMOUNT	%	DAYS
ERRORS.....\$	160,295.00	2.03	36
OMISSIONS.....\$	289,562.00	3.67	24
OWNER REQUESTS...\$	-29,542.00	-0.37	0
UNFORESEEN.....\$	50,252.00	0.63	39
OTHER.....\$	-128,054.00	-1.62	82
SCOPE CHANGE.....\$	39,121.00	0.49	0
HURRICANE.....\$	0.00	0.00	0
Totals\$	381,634.00	4.83	181

LEGEND:

ORIGIN:

- A-- A/E
- E-- Educational Fac. Plan.
- P-- Project Manager
- D-- DCPS Specialists/Depts.
- C-- Contractor
- S-- State DOE
- M-- Maintenance Dept.
- U-- User (Principal/Admin.)
- I-- UBCI
- AM--Asbestos Mgmt.
- DS--Design Services (Group)
- CM--Construction Manager

ACTION:

- A-- Approve
- C-- Confirm Staff/TRC Authorize
- C/A--Confirm/Approce Authorize

TYPE:

- ER--PA/E Error
- HC--Hurricane Andrew
- OM--P/A Omission
- OT--Other
- OW--Owner Request
- SC--Scope Change
- UN--Unforseen

CAUSE:

- AE --Architectural Error
- AO --Architectural Omission
- EEE--Electrical Engineering Error
- EEO--Electrical Engineering Omission
- MEE--Mechanical Engineering Error
- MEO--Mechanical Engineering Omission
- SEE--Structural Engineering Error
- SEO--Structural Engineering Omission
- CEE--Civil Engineering Error
- CEO--Civil Engineering Omission
- DBR--Design-Builder Request
- DBE--Design-Builder Error

- DBO--Design-Builder Omission
- DBD--Design-Builder Default
- CD-- Contractor Default
- CE-- Contractor Error
- CR-- Contractor Request
- FE-- Fastrack/Coord. Error
- FO-- Fastrack/Coord. Omission
- ID-- Inspection Delay
- MD-- Manufacturer's Delay
- OO-- Owner Omission
- OD-- Owner Delay
- OR-- Owner Request
- RA-- Reinstate Alternate
- SC-- Scope Change
- SR-- State Requirement/Local/City
- RD-- Rain Delay
- UC-- Unforseen Conditions
- UD-- Utility Co. Delay
- CL-- Clerical Error
- UP-- Unit Price
- UR-- Utility Requirement
- CMO--Construction Manager Omission
- CME--Construction Manager Error
- CC-- Criteria Change