

March 24, 2004

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

**SUBJECT:           CHANGE ORDER NO. 10  
                      PROJECT NO. A0569A0570  
                      ADDITIONS AND RENOVATIONS  
                      AMELIA EARHART ELEMENTARY/HIALEAH MIDDLE SCHOOL  
                      6027/5987 East 7 Avenue, Hialeah, Florida**

**COMMITTEE:       FACILITIES MANAGEMENT**

This request for change in the construction contract includes three items for the School Board's confirmation. Attachment A presents a description of the items, the cause for the change, the effect upon the contract, and the action recommended to the Board. In order to prevent delay in the completion of the project, staff authorized the Contractor to proceed with item 3. These items are presented to the Board for confirmation as required by State Statute.

Change Items Synopsis: Additional cost for light fixtures. Credits for fire alarm system and window work.

This change order will decrease the contract price by \$55,830, however, work for item #1 was completed under another contract. These items have been recommended by the Project Architect and were confirmed by the Technical Review Committee, subsequent to completion, on February 25, 2004. They were found to be necessary, fair, and equitable.

The Project Architect will not receive additional fees for the items that resulted from an omission in the design phase of the project. This factor will become part of the evaluation of this firm for consideration of future work with this school system. The District will pursue recovery of costs from the Project Architect as called for in the contract.

In October of 2002 the Miami-Dade County School Board filed suit against the Contractor, Allstar Builders Corporation, alleging Breach of Contract by its failure to complete the work within the contract time, providing incomplete, deficient and defective work, and its failure to complete the punch list. The Contractor filed a counterclaim which included a demand for Attorney's fees. The Board moved to strike the demand for Attorney's fees as well as the Contractor's demand for jury trial. These motions were granted by the Court.

Limited discovery has taken place and, as the Contractor was no longer a viable financial entity, counsel for the Board prepared to make demand on the Surety. The original Surety declared bankruptcy and the case was inactive while that case was in bankruptcy court. A successor Surety has purchased the original Surety or elements thereof and demand has now been made on that successor Surety. It is anticipated that Court Ordered Mediation will be scheduled during 2004. This change order involves the resolution of longstanding project related items and is not affected by the litigation.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, confirm Change Order No. 10 on Project No. A0569A0570, Additions and Renovations, Amelia Earhart Elementary/Hialeah Middle Schools for a credit of \$55,830.

CC:ayb

C034 Amelia Earhart/Hialeah Middle  
SUMMARY OF CHANGE ORDER NO.: 10  
Project No.: A0569A0570 Additions and Renovations

ITEM	ACTION REQ	ORIG.	STAFF AUTH.	ARG APPVD.	TYPE	CAUSE	DOLLARS		DAYS		
							REQ.	AUTH. REC.	REQ.	AUTH. REC.	
1	C	P	10/10/2001	02/18/2004	OW	OR	( 8,142.00)	( 8,142.00)	0	0	
<p>Contractor provided a credit for incomplete fire alarm system work that was not completed. This item is part of ongoing litigation and any additional cost will be assessed against the Contractor/Surety.</p>											
2	C	P	10/10/2001	02/18/2004	OW	OR	( 52,450.00)	( 52,450.00)	0	0	
<p>Contractor provided a credit for not furnishing and installing all of the specified windows at Amelia Earhart Elementary. This work was stopped after it was approximately 30% complete, due to design errors that did not incorporate emergency egress. The remaining windows are under consideration for funding in the upcoming five-year work program.</p>											
3	C	P	10/15/1999	02/18/2004	OM	AO	4,762.00	4,762.00	2	0	
<p>Contractor provided labor, material and equipment to remove and replace obsolete light fixtures in classrooms eight and nine.</p>											
CHANGE ORDER TOTAL:								-55,830.00		0	0

SUMMARY OF CHANGE ORDER NO.: 10  
 Facility: C034 Amelia Earhart/Hialeah Middle  
 Project No.: A0569A0570  
 Description: ADDITIONS AND RENOVATIONS  
 Architect: ARCHITEKNICS, INC.  
 EFCO: SPILLIS CANDELA & PARTNERS INC.  
 Contractor: ALLSTAR BUILDERS CORP.

PRIME: CLAUDIO MARTINEZ

CONTRACT STATUS

ORIGINAL CONTRACT PRICE.....\$	4,315,000.00
PREVIOUS EXTRAS.....\$	712,715.00
PREVIOUS CREDITS.....\$	17,047.00
PREVIOUS APPROVED NET CHANGE.....\$	695,668.00
PREVIOUS APPROVED CONTRACT PRICE.....\$	5,010,668.00
THIS CHANGE.....\$	-55,830.00
TOTAL NET CHANGE.....\$	639,838.00
ADJUSTED CONTRACT PRICE AFTER THIS CHANGE.....\$	4,954,838.00
CONTRACT AWARD DATE.....	December 11, 1996
ORIGINAL CONTRACT COMPLETION DATE.....	August 13, 1998
PREVIOUS TIME EXTENSION.....	213
PREVIOUS ADJUSTED COMPLETION DATE.....	March 14, 1999
TIME EXTENSION THIS CHANGE.....	0
ADJUSTED COMPLETION DATE AFTER THIS CHANGE.....	March 14, 1999
PROJECTED COMPLETION DATE.....	N/A
SUBSTANTIAL COMPLETION DATE.....	December 03, 1999

CHANGE CAUSE SUMMARY:

(Totals Including This Change Order. Errors + 15% Omissions threshold = 1-1/2%)

TYPE	AMOUNT	%	DAYS
ERRORS.....\$	3,249.00	0.08	0
OMISSIONS.....\$	44,442.00	1.03	5
OWNER REQUESTS...\$	27,818.00	0.64	122
UNFORESEEN.....\$	184,107.00	4.27	5
OTHER.....\$	46,258.00	1.07	53
SCOPE CHANGE.....\$	333,964.00	7.74	28
HURRICANE.....\$	0.00	0.00	0
Totals .....\$	639,838.00	14.83	213

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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/Approve Authorize

TYPE:

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

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-- Unforeseen 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